

CALIFORNIA COASTAL COMMISSION

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DATE: April 25, 2002

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Steven F. Scholl, Deputy Director
Chris Kern, North Central Coast District Supervisor
Sarah Borchelt, North Central Coast Analyst

Th-12b

SUBJECT: **MARIN COUNTY LCP AMENDMENT NO. 1-MAJ-02**
(For public hearing and Commission action at its meeting of May 9, 2002 in Santa Rosa)

STAFF NOTE

The local government action on the Point Reyes Affordable Housing Project (Application Number 2-MAR-00-134) included both the submittal of the subject amendment 1-MAJ-02 to the Marin County certified Local Coastal Program (LCP) and approval of the CDP. The local approval of the CDP was subsequently appealed and is also before the Commission as Item 13a (Appeal number A-2-MAR-02-009). Because the County's final action approving the CDP for the project preceded Commission certification of the related LCP amendment, the approved development is on its face inconsistent with the certified LCP. The proposed LCP amendment is necessary for the project to go forward because the County-approved CDP does not conform to the site's pre-LCP amendment zoning.

If the Commission approves the proposed LCP amendment as submitted, Commission staff is recommending that the Commission find that the related appeal does not raise a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved project with the certified Local Coastal Plan (LCP) and/or the public access and recreation policies of the Coastal Act. Staff's recommendation on the appeal, however, is, in part, predicated on the Commission's certification of this amendment as submitted. Thus, staff's recommendation of no substantial issue, as well as the Commission's action on A-2-MAR-02-009, is dependent upon the Commission's action on this LCP amendment. If the Commission does not approve the LCP amendment as submitted, staff's recommendation on the appeal would need to be revised.

SUMMARY OF STAFF RECOMMENDATION

The proposed amendment would add a new policy to the Unit II LUP that would identify land use designations for an 18.59-acre site in Point Reyes Station and specify the kinds, maximum intensities, and locations of development permissible for the site. The proposed policy would also require that an overall site development plan be approved as part of the IP, consistent with the kinds, intensities, and locations of development identified in the policy. Any development of the site would need a coastal development permit approved consistent with this site development

plan and all other provisions of the certified LCP.

The land use designations proposed by the amendment for the 18.59-acre property are appropriate for conserving on-site seasonal wetlands, protective of visitor serving uses, and compatible with the surrounding land uses. The proposed policy would further protect on-site wetlands by allowing development only in areas where there is sufficient room for development that would not result in the impermissible fill of wetlands or encroachment into wetland buffers, and requiring conservation easements over all wetland and wetland buffer areas before any coastal development permit is approved for a subdivision of the property. The proposed policy would also reserve at least two acres for a future overnight visitor serving facility on the site, preferably providing lower cost services. The land use designations proposed allow for commercial, residential, and open space land uses. These land uses are compatible with those adjacent to the site, which are predominantly commercial/residential, but also include open space and agriculture.

The amendment also proposes changes to the IP through the rezoning and addition of an overall site development plan of the 18.59-acre parcel. The proposed zoning and site development plan are consistent with the proposed land use designations and would provide for lower density development of the property, changing the maximum overall allowable density from 58 residential units to 36 residential units and 20 overnight visitor serving units. The proposed overall site development plan is also consistent with the development requirements set forth in the proposed New Development and Land Use Policy 8(b)(5).

For these reasons, staff recommends that the Commission find that the proposed LUP amendment is consistent with and adequate to carry out the policies of Chapter 3 of the Coastal Act and the certified LUP. Similarly, the IP zoning classifications and site development plan are site-appropriate and conform to the LUP designations and policies. Staff recommends certification of both the proposed LUP and IP amendment as submitted. **The applicable motion for the approval of the LUP amendment as submitted is found on page 5; the applicable motion for the approval of the IP amendment as submitted is found on page 42.**

1.0 AMENDMENT DESCRIPTION

The proposed amendment to Marin County's certified Local Coastal Program involves an amendment to the County's Unit II Land Use Plan (LUP) and its Implementation Plan (consisting of zoning regulations and associated zoning maps). The proposed change to the Land Use Plan entails the addition of New Development and Land Use Policy 8(b)(5) to the Unit II LUP, which would define the land uses and development of an 18.59-acre property in Point Reyes Station consisting of Assessor's Parcels 119-240-45, -46, -57, and -58. More specifically this policy would carry out the following: (1) land use designate portions of the 18.59-acre property C-MF-2 (Coastal, Multiple-family, one to four units per acre maximum residential density), C-SF-4 (Coastal, Single-family Residential, one to two units per acre), C-RS (Coastal, Residential Commercial, one to 20 units per acre maximum residential density, 30% to 50% commercial floor area ratio), and C-OS (Coastal, Open Space); (2) specify the kinds, locations, and intensities of land uses allowable on the 18.59-acre property; (3) require the approval of an overall site development plan for the property in accordance with the requirements specified in

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the proposed policy as an amendment to the LCP; and (4) require that any coastal development permit or permits for development of any portion of the site be consistent with the approved site development plan. The change to the Implementation Plan (IP) would rezone the same 18.59-acre property from a mixture of Coastal, Village Commercial Residential (C-VCR:B-2) and Coastal, Suburban Agricultural (C-RA:B-3) zoning districts to a combination of Coastal, Residential Multiple Planned Commercial (C-RMPC), Coastal, Residential Multiple Planned (C-RMP), Coastal, Suburban Agricultural (C-RA:B-3), and Coastal Open Area (C-OA) zoning districts. The proposed amendment would also certify as part of the IP an overall single site development plan for the 18.59-acre property consistent with the requirements of the proposed New Development and Land Use Policy 8(b)(5). Consistent with the proposed implementation plan, the maximum allowable density for development of the site would be reduced from the current density of 58 residential units to 36 residential units and 20 overnight visitor-serving units.

The 18.59-acre site is an undeveloped property in the northeast section of the unincorporated village of Point Reyes Station in West Marin County (Exhibit 1, Regional Map & Exhibit 2, Location Map). The site is a moderately sloped hillside dominated by grassland vegetation and supports several small seasonal wetlands totaling approximately .25 acre. At the southern entrance to the site sits an abandoned house, corral, and associated out buildings surrounded by mature overgrown landscape and agricultural plantings. At present, the property is used as a grazed pastureland for horses. No development is proposed as part of the LCP amendment; however, the Marin County Board of Supervisors approved a related Coastal Development Permit (CDP) for a 36 unit affordable home subdivision for this property on March 19, 2002 (Post Certification No. 2-MAR-00-134 Point Reyes Affordable Housing Project). This CDP was appealed on April 10, 2002 to the Coastal Commission (Appeal File No. A-2-MAR-02-009) and is also agendized for Commission hearing and action on May 9, 2002 as Item 13a.

2.0 BACKGROUND

On February 2, 2000, the applicant submitted to Marin County applications for (1) a Countywide Plan amendment, (2) Community Plan amendment, (3) LCP amendment, (4) rezoning, (5) master plan, (6) precise development plan, (7) coastal development permit, and (8) subdivision for the approved development. On March 19, 2002, the County took final action approving an LCP amendment and a coastal development permit for development of an 18.59-acre property. Planning for the development of the property began in late 1998 through a community-based planning process consisting of a series of community meetings. Since its inception, the Point Reyes Affordable Housing project has undergone a number of significant changes to achieve consistency with the certified Marin County Unit II LCP.

In 1999, following a series of community meetings and an advisory poll, the applicant submitted plans for a pre-application review by the Marin County Community Development Agency for a 50-unit mixed use and mixed-income project including 27 affordable rental apartments, 10 affordable for-sale homes, 8 live-work units, and five market-rate lots for future development of single-family residences. Following input from Community Development Agency staff which identified a number of concerns relating to community character, scale, and development issues, the applicant modified the development plans, obtained community feedback through a second poll, and submitted an application for development of a 35-unit project in February 2000.

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Pursuant to the requirements of the California Environmental Quality Act (“CEQA”), a Draft Environmental Impact Report (“EIR”) was completed for the project in May 2001. As proposed and studied in the EIR, the project included .07-acre of wetland fill and development within 100 feet of wetlands in the northwestern portion of the development site. In response to issues raised in the EIR scoping comments and initial stages of the EIR review, the applicant submitted to the County for environmental review an alternative site layout that avoids wetland fill. This submittal was incorporated as a Mitigated Alternative and evaluated in the Draft EIR. The Mitigated Alternative provided for the same number of housing units as the original project, but included a reconfiguration of the development in the western portion to avoid wetland fill and historic district impacts. However, the Mitigated Alternative did not avoid development within 100 feet of wetlands; the Williams Street right-of-way, the access way to development on the northwestern portion of the site, encroached within the 100-foot wetland buffer.

In response to issues raised during the Draft EIR and recommendations by County staff to further protect on-site wetlands and address historic district impacts, the applicant developed another site layout plan that entirely avoids encroachment of buildings or roads within 100 feet of any on-site wetlands entirely. This alternative was submitted to the County for environmental review and subsequently incorporated into the Final EIR as Mitigated Alternative Option 2. The Final EIR found that Mitigated Alternative Option 2 would be environmentally superior to the originally proposed project and still meet the basic goals and objective of the project.

On January 14, 2002, the Planning Commission conducted a public meeting and recommended certification of the project EIR to the Board of Supervisors. On January 29, 2002, the Board of Supervisors held a public meeting and voted to certify the Point Reyes Affordable Homes EIR. Subsequently to the certification of the EIR, the applicant submitted revised plans for the project based on the Mitigated Alternative Option 2 that was evaluated in the EIR.

The County took final action approving the CDP for the approved development on March 19, 2002. The proposed project would cluster development in less sensitive areas of the project site and preserve 2.68-acres of open space to protect wetlands and wetland buffer areas. Under the current zoning, clustering of development is not allowed due to minimum lot sizes of 10,000 and 20,000 square feet and because of traditional setback requirements. Therefore, the County proposes to rezone the northwestern and southeastern portions to C-RMP, the southwestern to C-RMPC, and the central to C-OA to accommodate clustered development. The northeastern portion of the property would remain as currently zoned (C-RA:B-3)

On March 19, 2002 by Resolution 2002-27, the Marin County Board of Supervisors approved the LCP amendment 1-MAJ-02, which consists of changes to the Marin County Unit II LUP and the IP that would land use designate the 18.59-acre property and allow for clustered development (Exhibit 3, LCP Amendment Resolution of Submittal). On March 27, 2002, the Commission staff received the County’s application for the amendment request and notice of final local actions of the Board of Supervisors’ approval of a coastal development permit for the Point Reyes Station Affordable Housing project (Application No. 2-MAR-00-134). On April 10, 2002 and April 11, 2002, the Commission received two appeals of the County’s approval of 2-MAR-00-134. The Executive Director determined the County’s LCP amendment application to be complete in accordance with the Commission’s regulation (14 CCR section 13551 and 13552) on April 9, 2002. Pursuant to Section 30512 of the Coastal Act, LCP Amendment No. 1-MAJ-02

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must be scheduled for public hearing and the Commission must take action within 90 days after the receipt of a complete transmittal. The ninetieth day after receipt of the complete transmittal on April 9, 2002 is July 8, 2002.

3.0 STANDARD OF REVIEW

To approve the amendments to the Land Use Plan, the Commission must find the LUP, as amended, will be consistent with the policies of Chapter 3 of the Coastal Act. To approve the amendments to the Implementation Plan (IP), the Commission must find that the IP, as amended, will conform with and adequately carry out the policies of the LUP, as modified and certified.

4.0 EFFECTIVENESS OF LCP AMENDMENT

Coastal Act Section 30514(a) states that the local government may amend its certified LCP and implementing ordinances, regulations, and other actions, but until the Commission certifies the amendment, the amendment shall not take effect. In accordance with Section 13551 of the Commission regulations, if the Commission certifies the amendment as submitted, the amendment shall take effect immediately. However, if the Commission certifies the amendment additional modifications, the local government must subsequently approve the modifications suggested by the Commission, and the Executive Director in turn must confirm the local government's approval before the amendment becomes effective.

Additional Information

If you have any questions or need additional information regarding the proposed amendment, please contact Sarah Borchelt at (415) 904-5260.

PART I: LUP AMENDMENT

1.0 STANDARD OF REVIEW FOR LUP AMENDMENT

Section 30514(b) of the Coastal Act states that “[a]ny proposed amendments to a certified local coastal program shall be submitted to, and processed by, the commission in accordance with the applicable procedures and time limits specified in Sections 30512 and 30513 [except that no substantial issue determination is required].”

Sections 30512(c) states that “[t]he Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 [of the Coastal Act].” The applicable standard of review for the proposed LUP amendment is therefore the policies of Chapter 3 of the Coastal Act.

2.0 STAFF RECOMMENDATION FOR LUP AMENDMENT

The staff recommends that the Commission certify the amendment to the LUP for the County of Marin as submitted.

MOTION:

I move that the Commission certify Land Use Plan Amendment 1-MAJ-02 for the County of Marin as submitted.

STAFF RECOMMENDATION TO CERTIFY AS SUBMITTED:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies Amendment Land Use Plan 1-MAJ-02 for the County of Marin as submitted and adopts the findings set forth below on grounds that the land use plan will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.

3.0 FINDINGS AND DECLARATIONS TO APPROVE LUP AMENDMENT

The Commission hereby finds and declares:

3.1 LUP Amendment Description

The proposed LUP Amendment involves the addition of Policy 8(b)(5) to the New Development and Land Use policies of the Unit II LUP. The proposed policy: (1) defines the land use designations on the 18.59-acre property, consisting of Assessor's Parcels 119-240-45, -46, -57, and -58, in northern Point Reyes Station, Marin County; (2) specifies the kinds, locations, and intensities of new development allowable on the 18.59-acre property; and (3) requires an overall site development plan as a prerequisite to the development of the site (Exhibit 4, Proposed New Development and Land Use Policy 8(b)(5)).

The first section of the policy states:

Development of the 18.59-acre property consisting of Assessor's Parcels 119-240-45, -46, -57, and -58 and consisting of Areas A, B, C, D, E and F as depicted on Exhibit E, shall be subject to the following land use designations, as defined in the Marin Countywide Plan and further incorporated as Appendix G to the Local Coastal Program: The land use designation for Areas A and B shall be C-MF-2 (Coastal, Multiple-family, one to four units per acre maximum residential density). The land use designation for Area C shall be C-SF-4 (Coastal, Single-family Residential, one to two units per acre). The land use designation for Areas D and E shall be C-RS (Coastal, Residential Commercial, one to 20 units per acre maximum residential density, 30% to 50% commercial floor area ratio). The land use designation for Area F shall be C-OS (Coastal, Open Space).

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In this section, the proposed policy provides new land use designations for six separate areas within the 18.59-acre property (A, B, C, D, E, and F as depicted on attached Exhibit E (see Exhibit 5). The designations listed for areas A-F allow for a variety of uses including residential commercial, and small-scale agriculture.

The second section of the proposed policy states:

The site shall be subject to an overall single site development plan for the entire 18.59-acre area that consists of Areas A, B, C, D, E, and F. The site development plan shall be subject to the review and approval of the California Coastal Commission as an amendment to the LCP. Any coastal development permit or permits for development of any portion of the site shall be consistent with the approved site development plan. The site development plan shall indicate the kinds, locations, and intensities of uses allowable in accordance with the following requirements:

- A. The total number of residential units on the entire 18.6-acre area shall not exceed 36.*
- B. Area A shall be developed with a maximum of seven detached affordable for-sale units ranging in size from approximately 900 to 1,155 square feet.*
- C. Area B shall be developed with a maximum of 27 rental affordable units ranging in size from approximately 1,440 to 1,720 square feet, with a manager's unit/community building of approximately 2,180 square feet.*
- D. No more than two residential dwelling units may be developed within Area C.*
- E. A minimum of 12 public parking spaces shall be provided within Area D.*
- F. A minimum of two acres shall be reserved for a future overnight visitor-serving facility, preferably providing lower cost services to the maximum extent feasible, or an alternative commercial use deemed appropriate by the Coastal Commission within Area E.*
- G. Future use of the approximate 18.59-acre area depicted on Exhibit E, including all wetlands shall be consistent with the Local Coastal Program, including provisions which mandate a 100-foot minimum buffer as measured landward from the edge of the wetlands.*
- H. No coastal development permit for a subdivision or division of the approximate 18.59-acre area depicted on Exhibit E shall be approved without the owner(s) of all such assessor parcels agreeing to grant or offer to dedicate a conservation easement over all wetland and wetland buffer areas prior to issuance of any coastal development permit for subdivision or division of the 18.59 acre area depicted on Exhibit E.*

Subsections A through F of this section specify the kinds and the maximum and minimum intensities of development allowed in areas A-E. Subsection G requires that future use of the

property, including all wetlands, be carried out consistent with the Local Coastal Program, including provisions which mandate a 100-foot minimum buffer as measured landward from the edge of the wetlands. Lastly, Subsection H prohibits the approval of a coastal development permit for a subdivision or division of the approximate 18.59-acre area without the agreement of all affected property owners to grant or offer to dedicate a conservation easement over all wetland and wetland buffer areas prior to issuance of any coastal development permit for subdivision or division of the 18.59-acre area.

3.2 Description of Site and Adjacent Land

The development site described in the proposed policy is an 18.59-acre undeveloped property on the northeast side of the unincorporated village of Point Reyes Station in Marin County (Exhibit 2, Location Map). The site is a moderately sloped hillside dominated by upland vegetation, primarily annual Mediterranean grassland. Three plant communities were identified at the site: seasonal freshwater wetland, grazed Mediterranean grasslands, and ornamental landscape planting. The site supports five small seasonal wetlands totaling approximately .25 acre (Exhibit 6, Wetland Delineation). An abandoned house, corral, and associated out buildings surrounded by mature overgrown landscape and agricultural plantings are located on the southern entrance to the site. A cluster of bishop pines stands along the driveway opposite the house and a windrow of Monterey pines on the adjacent West Marin School site line the uphill boundary of the site. Commodore Webster Drive is planted with a row of Monterey cypress trees bordering the southeastern edge of the site. At present, the property is used as a grazed pastureland for horses. Lagunitas Creek, a tributary of Tomales Bay, is located approximately 400 feet from the southern property boundary (Exhibit 7, Development Site). The development site is primarily separated from the creek by a line of ornamental trees, Commodore Webster Drive, open grassland, and riparian vegetations along the creek. There is a United States Coast Guard (USCG) housing complex located between the creek and the southeast corner of the development site.

The development site is one block north of A Street (Highway 1), the main downtown street of Point Reyes Station on Mesa Road. West Commodore Webster Drive borders the site on the southwest and southeast, respectively, and by vacant land on the east and northeast. Surrounding land uses include West Marin School (grades 2 through 8) on the north, single-family residences on the west, commercial establishments of the village on the south and southwest, the USCG housing complex on the southeast, USCG-vacant land on the east, and vacant land currently proposed for the Point Reyes Commons senior housing project on the northeast (Exhibit 8, Adjacent land Uses).

Parcels in the adjacent downtown Point Reyes Station are designated C-RS (Coastal, Residential Commercial, one to 20 units per acre maximum residential density, 30% to 50% commercial floor area ratio). Parcels to the west of the development site are designated C-MF-3 (Coastal, Multi Family, 5-10 units per acre) and C-SF4 (Coastal, Single Family, 1-2 units per acre). Along Commodore Webster Drive to the southwest and southeast, parcels are designated C-OS (Coastal, Open Space) (Exhibit 9, Adjacent Zoning).

3.3 Wetland Protection

Coastal Act Section 30233 provides in relevant part:

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(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities

...

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland

...

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

Coastal Act Section 30240(b) provides:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The site contains .25 acre of seasonal wetlands as identified in the Final EIR for the project (Exhibit 6, Wetlands Delineation). The seasonal wetlands are located in three distinct areas within the property site. The first area (approximately 3,003 square feet) is located on the western portion of the site within Area B. The largest wetland area (a complex of three wetlands totaling approximately 5,029 square feet) is located in the central portion of the site within western Area F. A third, smaller wetland (approximately 2,924 square feet) is located centrally in the eastern portion of the site, also within Area F. Currently, horses graze the area of the wetlands. Portions of both western and central Area B, as well as Areas C, E, and F are located within 100 feet of the wetlands (Exhibit 5, Wetland Buffer (Exhibit E)).

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The identified wetlands are located on the 18.59-acre property in Area F and western Area B as depicted on Exhibit 5. The proposed policy designates both the western and central Area B as C-MF-2 (Coastal, Multiple-family, one to four units per acre maximum residential density). C-MF-2 allows various types of land uses; however, the proposed LUP amendment would limit the allowable uses on both western and central Area B to affordable rental units with a manager's unit/community building and would limit the number of units to a maximum of 27 to be distributed between both central and western Area B. The proposed land use for Area F is C-OS (Coastal, Open Space). The only allowable zoning under C-OS is Coastal Open Area which allows as principally permitted uses public parks, playgrounds, recreational areas, truck farming, gardening, animal grazing, forest preserves, wildlife reserves, equestrian and hiking area, and on 50 acres or more, the conducting of a dairy operation.

Coastal Act Section 30233 prohibits development in wetlands, unless it meets one of the eight enumerated purposes listed above. Coastal Act Section 30240(b) requires that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat areas. Marin County's Unit II LUP contains policies that would ensure that any development on the 18.59-acre property allowed by the proposed policy would be consistent with Sections 30233 and 30240(b). Consistent with Section 30233, LUP Policy 2, Acceptable Purposes, of the Diking, Filling, and Dredging Policies, allows development in wetlands for only seven purposes, which are the following:

1. *New or expanded commercial fishing facilities;*
2. *Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps;*
3. *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines;*
4. *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas;*
5. *Restoration purposes;*
6. *Nature study, aquaculture, or similar resource dependent activities; and*
7. *In the Esteros Americano and de San Antonio, any alterations shall be limited to those for the purposes of nature study, restoration, or very minor incidental public facilities.*

The uses allowed under the Diking, Filling, and Dredging LUP Policy 2 are the same uses allowed under Section 30233. Furthermore, Policy 4 of the Natural Resources Policies provides for the preservation and maintenance of wetlands in the Unit II Coastal Zone as productive wildlife habitats, recreational open space, and water filtering and storage areas. Policy 4(a) restates that diking, filling and dredging of wetlands is limited to those purposes listed in the Diking, Filling, and Dredging Policies of the LUP. It further states that:

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In conformance with these policies, filling of wetlands for the purposes of single-family residential development shall not be permitted.

Diking, Filling and Dredging Policy 3 (Conditions and Standards) also specifies:

Diking, filling or dredging may be permitted for the purposes specified above, provided that the following condition and standards are met:

- a. There is no feasible less environmentally damaging alternative.*
- b. Where feasible mitigation measures have been provided to minimize adverse environmental effects.*
- c. The activities are planned, scheduled, and carried out to avoid significant disruption to marine and wildlife habitats, fish and bird breeding and migrations, and water circulation.*
- d. The need for both initial and maintenance dredging shall be minimized by careful design and locating of facilities with respect to existing water depths, water circulation, siltation patterns, and by efforts to reduce controllable sedimentation.*
- e. In estuaries and wetlands the diking, filling, or dredging shall maintain or enhance the functional capacity of the wetland or estuary.*
- f. Dike and fill projects in wetlands shall include mitigation measures specified in Section 30607.1*

Together, Diking, Filling, and Dredging Policies 2 (Acceptable Purposes) and 3 (Conditions and Standards) and Natural Resources Policy 4(a) provide the wetland protection afforded by Section 30233 of the Coastal Act. Any development of the 18.59-acre site would need to be consistent with these existing Unit II LUP wetland policies, including the requirement that any allowable filling or dredging only occur if there is no feasible less environmentally damaging alternative.

The currently certified Unit II LUP provides additional protection for wetlands by specifically limiting the proximity of development sited adjacent to wetlands. Natural Resources Policy 4(d) protects wetlands from adjacent development consistent with Section 30240(b). Natural Resources Policy 4(d) mandates a 100-foot minimum buffer as measured landward from the edge of the wetlands be established along the periphery of all wetlands. The policy also prohibits development activities and uses within the buffer unless they are for the purposes allowed under the Diking, Filling, and Dredging LUP Policy 2 or they are resource dependent activities. Subsection G of the proposed LUP policy provides that any development of the 18.59-acre property must be consistent with this 100-foot wetland buffer requirement.

The proposed New Development and LUP Policy 8(b)(5) allows for a level of development that could be undertaken consistent with the certified Unit II LUP wetland policies discussed above. As stated in Section 8.1, the proposed policy allows for the development of a maximum of 27 units between both western and central Area B. First, the proposed policy identifies a maximum amount of residential development; this maximum amount specifies the upper limit of residential

development that may occur on the site consistent with all applicable LCP provisions. The maximum amount is not an entitlement. Second, the EIR for the Point Reyes Affordable Housing Project examined this level of development for Area B and found that the development of 27 units could be undertaken consistent with the LCP 100-foot wetland buffer requirement. The buffers, as measured 100 feet from the wetlands, are located in portions of western and central Area B, Area C, Area E and Area F. The EIR analyzed the intensity and location of development allowed by the proposed policy under Mitigated Project Alternative Option 2 and concluded that development can be undertaken without encroaching into the 100-foot buffers consistent with the wetland fill and buffer policies of the Unit II LUP, and Sections 30233 and 30240(b) of the Coastal Act.

To further ensure the permanent protection of wetlands on the site, the proposed LUP amendment would require a grant or offer to dedicate a conservation easement over all wetland and wetland buffer areas prior to issuance of any coastal development permit for subdivision of the 18.59-acre area.

Since the existing Unit II LUP contains adequate wetland protection policies, and because the proposed policy would require a conservation easement over all wetlands and wetland buffers before a CDP for a subdivision of the site can be approved, the Commission finds that the proposed LUP amendment conforms to Sections 30233 and 30240(b) of the Coastal Act.

3.4 Visitor Serving Commercial Uses

Coastal Act Section 30222 provides:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Point Reyes Station is located in West Marin, which is home to the Point Reyes National Seashore (approximately one mile south of the village) and large sections of the Golden Gate National Recreation Area. Because of its scenic quality, climate, rural character, recreational opportunities, and proximity to the San Francisco Bay area, West Marin is a popular tourist destination. Highway 1 provides the primary north-south access through West Marin, and passes through the unincorporated village of Point Reyes Station. The project site is in private ownership. Mesa Road, the southern property border, is one block north of A Street (Highway 1); the thoroughfare of downtown Point Reyes Station.

Coastal Act Section 30222 gives the use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation priority over private residential, general industrial, or general commercial uses.

Subsection F of the proposed LUP policy states:

A minimum of two acres shall be reserved for a future overnight visitor-serving facility, preferably providing lower cost services to the maximum extent feasible, or an alternative commercial use deemed appropriate by the Coastal Commission within Area E.

Subsection F would require that a minimum of two acres of the 18.59-acre site within Area E be reserved for a future overnight visitor serving facility, or an alternative commercial use deemed appropriate by the Coastal Commission, and specifies a preference for providing lower cost facilities to the maximum extent feasible. Area E is an appropriate location for a visitor serving commercial recreational facility due to its proximity to nearby national and state parks as well as its adjacency to downtown Point Reyes Station. Visitors can travel to nearby parks by hiking or by vehicle and walk to all Point Reyes Station commercial establishments including markets, grocery stores, restaurants and local shops. Moreover, the Unit II LUP recognizes the suitability and need for overnight accommodations in the vicinity of Point Reyes Station. Private Recreational and Visitor-Serving Development Policy 3(c) states that:

Point Reyes Station is recognized as the commercial center of the Unit II coastal zone because of its available land area, existing commercial services, and location. The development of additional visitor-serving and commercial facilities in the community is encouraged, especially the development of overnight accommodations, of which the town has none.

Given the proximity of Area E to downtown Point Reyes Station, Point Reyes National Seashore, and Golden Gate National Recreation Area, the Commission finds that the proposed use designation for Area E would facilitate development of priority visitor serving commercial recreational uses in this location in conformity to Section 30222 of the Coastal Act.

3.5 Water Quality and Protection of Environmentally Sensitive Habitat Areas

Coastal Act Section 30231 provides:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act Section 30240(b) provides:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Coastal Act Section 30107.5 provides:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

The LUP amendment proposes land use designations that allow residential and commercial development, while at the same time specifying a maximum limit of 36 residential units and a future visitor serving use. Consistent with the above-cited Coastal Act policies, the Commission must evaluate whether the LUP, as amended, would adequately protect the biological productivity and quality of coastal waters and prevent significant degradation of environmentally sensitive habitat areas.

3.5.1 Background information on site conditions and adjacent resources

3.5.1.1 Surface hydrology

The development site is located within the watershed of Lagunitas Creek, which drains into Tomales Bay approximately three miles downstream of the development site.

The site consists of a broad grassy knoll that slopes gently to the south and west to a lower terrace that borders Mesa Road and Commodore Webster Drive on the east side of the Village of Point Reyes Station. Due to the convex landscape and permeable soils, there are no streams or other defined drainage channels on the property. The site is approximately 20 feet higher than Lagunitas Creek. Runoff is readily absorbed into the soils on most of the site. The main exception to this is localized areas that have been compacted by animals pastured on the site, and the wetland areas in the center of the site created by shallow clayey soils and seasonal perched groundwater conditions. Based on the Marin County Soil survey, the soils in the upper portions of the site are rated as Hydrologic Group D, meaning a relatively high degree of runoff; the soils in the lower areas of the site are Hydrologic Group B and have a relatively low rate of runoff. Overall, according to the EIR, the development site soils and vegetation are rated as “good” from a hydrologic perspective.

At present, runoff leaves the undeveloped site as overland flow and ultimately collects in three concentration points along Mesa Road and Commodore Webster Drive (Exhibit 10, Existing Drainage Regime). The development allowed by the proposed LUP amendment would change the runoff regime as well as create new impervious surfaces, thus creating additional runoff. As further discussed below, the EIR prepared for the specific development proposal contemplated under the proposed LCP amendment studied the impact of development as allowed under the proposed land use designations and proposed LUP policy on hydrology and water quality.

3.5.1.2 Wastewater disposal

Currently, there are nine sanitary treatment plants in Marin County. However, no treatment plants serve the village of Point Reyes Station. Point Reyes Station relies on individual sewage disposal systems in the form of septic systems, cesspools, mound systems, and other methods, which discharge into the ground. Because of limited space in the commercial downtown area, a number of combined systems have been established with two or more buildings connected to one septic system. In several cases adjacent contiguously owned lots are used for leach fields because the development lot is too small to support a septic system.

Outside the downtown commercial area, development is served by individual sewage systems. The only exception is the USCG housing complex, which houses approximately 150 people, where sewage disposal consists of a gravity-fed collection system feeding into three holding tanks with a total capacity of 13,000 gallons. Sewage is presently pumped out of the tanks

several times a week and is hauled to the USCG's treatment facility at Two Rock in Sonoma County. In the mid-70s, the USCG attempted to gain support and funding for a community sewer and wastewater treatment facility that would serve both the USCG housing complex and the downtown area. North Marin Water District undertook a study and EIR for a joint sewer in 1976. When the community did not approve funding for its share of the project, the USCG abandoned the proposal. The Martinelli property north of town, where the treatment lagoons for the proposed sewer system would have been located, has since been acquired by the GGNRA, and the Giacomini property, where the proposed spray irrigation field was to be, was acquired by the National Park Service and is now proposed for restoration as a tidal wetland.

As proposed, the LUP policy allows a certain intensity of residential and commercial development. The EIR prepared for the specific development proposal contemplated under the proposed LCP amendment included an analysis of the impacts to groundwater, public water sources, and human health of a wastewater treatment system used to treat 36 residential units, a future visitor serving use, such as a 20-unit bed and breakfast, and public restrooms. The project studied by the EIR included 13 separate parcels, 12 of which would need to treat wastewater. Each of the 12 wastewater generating parcels would be served by its own on-site wastewater treatment and disposal system. Septic tanks would be provided for primary treatment. Standard sub-surface leachfields would provide treatment and disposal for all the parcels except for the northeastern parcel (Area C as depicted on Exhibit 5), which would be served by a mound system. Shallow perched groundwater in the northeast portion of the project site precludes the use of standard leachfield within the farm parcel. Low-flow water fixtures would be used in the public restrooms and all affordable residential units. The buyer would design the fixtures for the northeastern parcel (Area C), and the fixtures for the future commercial use (Area E as depicted on Exhibit 5) would be determined when the facility is designed in the future.

3.5.1.3 Adjacent Coastal Resources

Lagunitas Creek and Tomales Bay

The groundwater from the center portion of the project site flows generally in a southeasterly direction toward Lagunitas Creek, which at its closest point, is about 400 feet from the southerly boundary of the development site. Lagunitas Creek provides spawning habitat for Coho salmon and steelhead; both are federally listed as threatened species. Coho salmon is also state listed as endangered. In addition, Lagunitas Creek is in the Tomales-Drakes Bay Unit of critical habitat for Coho salmon and steelhead.

Section 30107.5 of the Coastal Act defines environmentally sensitive habitat areas (ESHA) as those in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. According to Section 30107.5, Lagunitas Creek is defined as ESHA because it supports habitat for spawning Coho salmon and steelhead populations.

Lagunitas Creek is also an important tributary of Tomales Bay. Tomales Bay is within the Gulf of the Farallones National Marine Sanctuary, one of four national marine sanctuaries in California and one of thirteen in the nation. The Sanctuary was designated in 1981 to protect and manage the 1,255 square miles encompassing the Gulf of the Farallones, Bodega Bay, Tomales Bay, Drakes Bay, Bolinas Bay, Estero San Antonio, Estero de Americano, Duxbury Reef, and

Bolinas Lagoon. The Marin LCP emphasizes the importance of Tomales Bay on many levels. It provides important habitat for birds, marine mammals and over 1,000 species of invertebrates. In addition, sharks and rays spawn in the bay. The bay also supports a significant aquaculture industry.

Protecting the water quality and biological productivity of Lagunitas Creek and Tomales Bay is essential to preserving both the creek and the bay and the coastal resources they support.

North Marin Water District Wells

North Marin Water District (NMWD) operates two water wells approximately 700 feet from the southeastern boundary of the development site. The wells are each approximately 60 feet deep, with a 20-foot annular seal and a 40-foot screened section; the casing diameter is 12 inches. During the wet season (November through April) the NMWD generally uses only one of the wells (alternately); during the dry season when the water demand increases, both of the wells are typically operated in tandem.

The wells supply water for a service area of more than 20 square miles in the Point Reyes area, with annual water production of over 100 million gallons. In 1997, the monthly water usage ranged from a low of 5.1 million gallons in February to a high of 13.3 million gallons in August. Prior to distribution, the well water is treated for iron and manganese removal (using potassium permanganate and green sand filtrations), followed by disinfection with chlorine.

The EIR prepared for the specific development proposal contemplated under the proposed LCP amendment found that the NMWD wells zone of contribution includes groundwater from the eastern portion of the Point Reyes Affordable Housing project site. Thus, it is important that any development on the site be designed in a way that will not contaminate the water quality of the NMWD wells.

3.5.2 Potential impacts to water quality as identified by the EIR

The EIR prepared for the specific development proposal contemplated under the proposed LCP amendment identified 10 potential significant water quality impacts related to coastal resources and public health that would result from a 36 residential units, a future visitor serving use, such as a 20-unit bed and breakfast, and public restrooms as allowed by the proposed LUP amendment. The table below outlines the potential impacts.

Table 1

Issue	Potential Impacts	Mitigation
4.4-2: Compliance with County standards - septic tank vents.	The EIR found that the design for the proposed septic tanks does not include the MCEHS-required 2-inch vent that must be placed to the top of each septic tank's baffle wall. Without these vents, the septic systems could overflow, creating potential public health hazards.	To comply with County standards for septic tank design, a two-inch vent on the baffle wall of all septic tanks shall be constructed by the applicant.

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Issue	Potential Impacts	Mitigation
<p>4.4-3: Potential overflow of wastewater treatment system.</p>	<p>The EIR found that the proposed design for these systems depicts an overflow pipe to an emergency storage tank, but the plan does not specify the size of the dosing chambers or emergency storage tanks. If the dosing chambers or emergency storage tanks are not properly sized, the septic systems could overflow during a power outage or pump failure, creating potential public health hazards.</p>	<p>The dosing chambers and overflow tanks for the pressurized systems shall be sized to accommodate the peak day wastewater generation volume for the corresponding land use to ensure compliance with County standards.</p> <p>In addition:</p> <ul style="list-style-type: none"> • High water alarms shall be installed in all wastewater pumping systems, in accordance with County standards, to alert the operator or maintenance staff of a high level in the pump tank. • All pumping systems shall include provisions for extended operation during general power outages using a portable emergency generator. • Scheduled and emergency maintenance of pressurized systems shall be performed by a licensed septic system, pump, or plumbing contractor, septic system pumping service, or other qualified maintenance person as identified in an Operating permit, if issued for the system by the County.
<p>4.4-4: Compliance with County standards - septic tank sizing.</p>	<p>The EIR found that if the septic tanks were not designed to meet MCEHS standards for sizing, Mitigated Alternative Option 2 would not be in compliance with MCEHS standards. The project sponsor has not provided information regarding proposed septic tank sizes for Mitigated Alternative Option 2.</p>	<p>To comply with county standards for septic tank design, the project shall include septic tank capacity sufficient to provide 2 days of detention volume for all parcels.</p>

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Issue	Potential Impacts	Mitigation
4.4-5: Compliance with county standards - public restroom wastewater treatment system.	The EIR found that if ultra low flush and very low flow fixtures are not used for the public restrooms, the proposed leach field might not meet MCEHS Standards for sizing and could compromise the effectiveness of the system.	There are two methods available to ensure compliance with MCEHS sizing standards for the public restroom septic tanks and leach field. The project proposed shall design the project's wastewater treatment system for the public restrooms according to one of the following, Ultra low flush urinals and very low flow toilets that generate an average of 2 gpd/person or less shall be used for the public restrooms. Low flow fixtures that generate an average of 3.5 gpd/person or less shall be used, a 2,500-gallon septic tanks shall be installed, and a 5,040 square-foot leachfields shall be construction for the public restrooms. The project sponsor shall provide documentation to MCEHS standards for leachfield sizing.
4.5-2: Increased offsite surface runoff - overland flows.	The EIR found that construction-induced and project-related contaminants and sediment could potentially clog the trench media, reducing the infiltration capacity of the trenches. A reduction of infiltration capacity would increase offsite flow rates, potentially contributing to localized flooding in offsite downgradient areas.	To reduce offsite flood-related impacts and to maintain the design capacity of the infiltration trenched to the maximum extent practicable, the following mitigation measures shall be implemented: <ul style="list-style-type: none"> • To accommodate surface runoff from the West Marin School, the capacity of the proposed retention facilities shall be sized to accommodate any school runoff. • To proposed a long design life of the infiltration trenches, surface runoff shall be filtered prior to reaching the infiltration trenches to reduce contaminants and sediments that could clog the trench media. Filtering devices may include, but not be limited to, biofilter strips and vegetated channels. These features shall be subject to review and approval by Marin County prior to

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Issue	Potential Impacts	Mitigation
		<p>implementation.</p> <p>During construction, the following measures shall be taken to provide additional protection against the failures of the infiltration trenches:</p> <ol style="list-style-type: none"> 1. Adequate protection from siltation of the trench drains shall be provided during construction through the use of best management practices (BMP). 2. Exposed soils shall be revegetated as soon as possible to prevent erosion. 3. Excavated surfaces shall be scarified to promote percolation upslope of the trenches. 4. The drain rock shall be washed prior to installation into the excavations. 5. To prevent surrounding soils from migrating into the trenches, the excavation shall be lined with a permeable filter fabric or a similar filtering device. 6. Inspection wells shall be constructed to allow monitoring of the performance of the trenches.
<p>4.5-4 Construction-related water quality degradation.</p>	<p>The EIR found that project-related construction would expose onsite soils to wind and water erosion that could result in sediment being carried into Lagunitas Creek. In addition, stormwater contact with construction materials and potential leaks of fuels or fluids from construction vehicles or equipment could contaminate surface or groundwater.</p>	<p>In accordance with Marin County Code Chapters 23.08 and 24.04, the project sponsor shall implement erosion and sedimentation Best Management Practices to protect the water quality of Lagunitas Creek and local groundwater. Best Management Practices (BMPs), designed to protect stormwater quality, are summarized in the California Storm Water Best Management Practice Handbooks (Stormwater Quality</p>

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Issue	Potential Impacts	Mitigation
		<p>Task Force 1993) and can be recommended by the Association of Bay Area Governments Manual of Standards for Erosion and Sediment Control Measures. BMPs are subject to review and approval by Marin County Department of Public Works shall be implemented during project construction. According to Marin County Code Section 24.04.625, grading shall not be conducted during the rainy season (October 15 through April 15) without prior approval by Marin County Department of Public Works.</p> <p>The following measures shall be implemented in accordance with the LCP:</p> <p>A. Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.</p> <p>B. Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils exposed during grading. Cut and fill slopes shall be stabilized immediately with approved landscape vegetation.</p> <p>C. All topsoil removed by grading operations shall be stockpiled for reuse onsite and shall be protected from compaction, wind, and erosion during stockpiling.</p>

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Issue	Potential Impact	Mitigation
4.5-6: Groundwater quality degradation from wastewater treatment systems.	The EIR found that if ultra-low flush urinals and very low flow toilets are not used for the public restroom, the proposed leachfield would not meet MCEHS standards for sizing and could result in groundwater quality degradation from insufficient wastewater treatment.	Mitigation Measure 4.4-5 shall be implemented to ensure compliance with MCEHS standards relating to leachfields sizes and to ensure proper wastewater treatment.
4.5-9: Effects on water quality of Lagunitas Creek from groundwater.	The EIR found that inadequate treatment of wastewater poses a risk of degrading the groundwater beneath the project site, which could potentially degrade the water quality of Lagunitas Creek. If ultra-low flush urinals and very low flow toilets are not used for the public restroom, the proposed leachfield would not meet MCEHS standards for sizing and could result in insufficient wastewater treatment.	Mitigation Measure 4.4-5 shall be implemented to ensure proper treatment of wastewater.
4.5.-12: Cumulative construction-related water quality degradation.	The EIR found that construction of the cumulative projects would expose onsite soils to wind and water erosion that could result in sediment being carried into Lagunitas Creek. In addition, stormwater contact with construction materials and potential leaks of fuels or fluids from construction vehicles or equipment could contaminate surface or groundwater.	Implement Mitigation Measure 4.5-4 (Construction Best Management Practices for Water Quality)
4.5-14: Cumulative effects on water quality of Lagunitas Creek.	The EIR found that if the wastewater and surface runoff from the cumulative projects are not properly treated, these projects could have cumulative impacts on the water quality of Lagunitas Creek.	Mitigation Measure 4.4-2, 4.4-3, 4.4-4 and 4.4-5 shall be implemented to ensure proper treatment of wastewater and captured surface runoff.

The Commission notes that Marin County Board of Supervisor Resolution No. 2002-27, the Resolution submitting the proposed LCP amendment to the Commission, submitted the LCP amendment to the Commission subject to the Conditions of Approval and the Mitigation Measures adopted for the specific development proposal contemplated under the proposed LCP amendment (Exhibit 3, LCP Amendment Resolution of Submittal). Accordingly, the county proposed to further implement the water quality policies of the certified LUP through the site-specific development standards adopted as conditions of approval and mitigation measure for the development contemplated by the proposed LCP amendment. Such incorporated development standards include the above-listed mitigation measures.

3.5.3 Adequacy of proposed LUP Policies to protect water quality and environmentally sensitive habitat areas consistent with Coastal Act Sections 30231 and 30241(b)

3.5.3.1 Wastewater Treatment

Coastal Act Section 30231 requires that the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. The development site is approximately 400 feet from Lagunitas Creek. As identified in Table 1, development on the site at an intensity allowed by the LUP amendment could contaminate surface and ground water, cause significant adverse impacts on the water quality of Lagunitas Creek, create public health hazards, and cause localized flooding as a result of inadequate wastewater and stormwater systems and construction activities, inconsistent with Section 30231.

In accordance with Coastal Act Section 30231, the Commission must consider the potential effects, such as those identified in Table 1, of the proposed LUP amendment and development it would facilitate to water quality. Since the proposed LUP policy and land use designations would allow for a certain density and intensity of use, the Commission must determine if the LUP as amended would be consistent with and adequate to carry out the requirements of Coastal Act Section 30231. Marin County's certified Unit II LUP contains policies that would ensure that any development on the 18.59-acre property allowed by the proposed policy would be consistent with Sections 30231.

The currently certified Unit II LUP contains policies that govern wastewater treatment systems to prevent impacts to water quality. Some of the key policies include:

Public Services

3. Sewage disposal.

- a. On-site sewage disposal. All on-site sewage disposal systems in the coastal zone shall be evaluated as follows:*

- (1) Septic systems. *All septic systems shall meet the standards contained in either the Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems adopted by the Regional Water Quality Board on April 17, 1979 or the County's revised septic system code, when approved by the Regional Board. No waivers shall be granted unless a public entity has formally assumed responsibility for inspecting, monitoring, and enforcing the maintenance of the system in accordance with criteria adopted by the Regional Board, or such waivers have otherwise been reviewed and approved by the Regional Board. (See Appendix C)*
- (2) Expansions or alternations. *Where a coastal development permit is necessary for an enlargement or change in the type or intensity of use of an existing structure, the existing or enlarged septic system must meet the Minimum Guidelines of the Regional Water Quality Control Board, or the County's revised septic system code as approved by the Regional Board, before a permit for such enlargement or change can be granted.*
- (3) Reconstruction of existing systems. *A septic system or other sewage disposal facility which served a residential dwelling damaged or destroyed by natural disaster may be rebuilt along with the reconstruction of the dwelling. If the septic system or other facility is substandard, every effort shall be made to bring it into conformance with County Code.*
- (4) Alternative systems. *The County recommends that provisions be included in the County code to allow alternative sewage disposal systems to be utilized. Until such provisions are incorporated into the code and approved by the Regional Water Quality Control Board however, alternative systems shall only be permitted where a public entity has formally assumed responsibility for inspecting, monitoring, and enforcing the maintenance of the systems in accordance with criteria adopted by the Regional Board*
- (5) Maintenance. *The County supports the establishment of a septic tank maintenance district(s) in the coastal zone for the purpose of monitoring and inspecting septic systems there. To provide for inspection of existing systems not now subject to periodic review under County Code, the County shall investigate the inspection of a septic system upon resale of the associated single-family dwelling.*

Sewage Disposal Policy 3(a) contained in the certified Unit II Public Services Section provides water quality protection by ensuring that on-site sewage disposal systems are adequately designed and maintained. Sewage Disposal Policy 3(a)(1) requires that all septic systems meet the standards contained in the Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal System adopted by the Regional Water Quality Board on April 17, 1979 or the County's revised septic system code, when approved by the Regional Board. The Regional Board first adopted the County's revised septic system code in 1984. Under both the certified LCP, and the proposed LUP amendment, any development on this site involving waste

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water disposal would be required to meet the County standards as adopted by the Regional Board. As listed in the Table 1, potential impacts 1, 2, 3, 4, 7, 8, and 10 identified by the EIR prepared for the specific development proposal contemplated under the proposed LCP amendment would be mitigated if the components of the wastewater systems were designed to comply with the County's septic standards. Certified Sewage Disposal Policy 3(a)(1) would require that this occur before any development could be approved on site. Moreover, Sewage Disposal Policies 3(a)(2) through 3(a)(5) include provisions that regulate alternative septic systems, ensure septic system compliance with County standards if an enlargement or change in the type or intensity of use of an existing structure occurs, and support the establishment of septic system maintenance districts for the purpose of monitoring and inspecting septic systems to further ensure water quality protection. Thus, the existing LUP On-site Sewage Disposal Policies ensure that the proposed LUP amendment, as well as development governed by it, is consistent with Coastal Act Section 30231.

As discussed in the findings that address the IP portion of the LCP amendment, the County proposes to further implement these existing policies of the certified LUP concerning wastewater treatment through site-specific development standards proposed as part of the IP amendment.

In addition, the Public Service and New Development and Land Use policies provide additional water quality protection by addressing wastewater disposal specifically in the town of Point Reyes Station. These policies include:

Public Services

3. Sewage disposal.

- b. Point Reyes Station and Olema. *Due to the potential for cumulative impacts which exists in these communities from buildout on small lots utilizing septic systems, the County shall revise zoning densities to reflect sewage disposal constraints. In Point Reyes Station, a minimum lot size of 10,000 square feet shall be maintained in the area zoned VCR, and a minimum of 20,000 sq ft in the area zoned A-2:B-2. In Olema, minimum lot sizes 20, 000 sq ft in the area zoned A-2:B-2.*

A study to identify and quantify possible sewage disposal problems and cumulative impact in Point Reyes Station is recommended. If and when a community sewer is constructed, higher zoning densities may be recognized to accommodate housing needs.

New Development and Land Use

8. Location and density of new development

b. Point Reyes Station

- (3) *To address the limitation of on-site sewage disposal, areas zoned VCR for 7,500 square foot lots shall be changed to 10,000 square feet. Areas zoned A-2:B-2 and R-A:B-2 for 10,000 square foot residential lots shall be changed to R-A:B-3, permitting 20,000 square foot residential lots. If and when a community sewer is*

constructed, higher densities may be reconsidered to meet housing needs. The exceptions are the downtown A-2:B-2 area west of the VCR commercial district and the parcels east of Highway 1 and south of Lagunitas Creek. The downtown parcels which are generally bounded by B, C, 2nd and 8th Streets, shall be rezoned to R-A:B-2, retaining the 10,000 square foot density to provide affordable housing for the elderly and others who need to be in a flat area within walking distance to services. The A-2:B-2 parcels south of Lagunitas Creek and east of Highway 1 shall be rezoned to R-A:B-2.

Both Public Services Policy 3(b) and New Development and Land Use Policy 8(b)(3) address the limitation of on-site sewage disposal in the Point Reyes Station Community by requiring that zoning densities in specified zoning districts be revised to reflect minimum lot sizes of 10,000 and 20,000 square feet. The 18.59-acre site, located in Point Reyes Station, is currently zoned a mixture of Coastal, Village Commercial Residential (C-VCR:B-2) and Coastal, Suburban Agricultural (C-RA:B-3), which allows for a maximum overall density of 58 units. The LCP amendment includes proposed land use designations and zoning for Areas A, B, D, and E that do not require 10,000 and 20,000 minimum lot sizes. As discussed further in the findings that address the IP portion of the LCP amendment, the IP amendment proposed to rezone the areas of the 18.59-acre site that will not have 10,000 and 20,000 minimum lot sizes to zoning districts that do not require such minimum lot sizes. Instead, the proposed LUP and zoning amendments would allow development to be clustered in order to maximize open space protection, not to allow an increased density or intensity of development. Subsection A of the proposed LUP policy limits the total amount of residential units to 36 and restricts the locations to Areas A, B, and C. The IP portion of the LCP amendment further limits the development of Area E to a 20-unit bed and breakfast inn or similar use (to be further discussed in the IP section of this report). Together, both the LUP and IP as amended limit the total development of the 18.59-acre site to 56 units, two less units than potentially allowed under the current zoning. While the proposed policy takes a different approach to limiting the density of development on the 18.59-acre site than Public Services Policy 3(b) and New Development and Land Use Policy 8(b)(3), it achieves the same goal of limiting the density of development to address the impacts of on-site sewage disposal in Point Reyes Station. Since the proposed LUP policy and land use designations would provide for a slight reduction in the intensity of development allowable at the development site from that currently allowed, the amendment would serve to reduce water quality impacts related to on-site sewage disposal consistent with Coastal Act Section 30231.

3.5.3.2 Polluted Runoff

The Marin County Unit LUP contains policies which specifically address water quality impacts related to polluted runoff, which include:

New Development and Land Use

6. *Watershed and water quality protection/grading.* *In order to ensure the long-term preservation of water quality, protection of visual resources, and the prevention of hazards to life and prosperity, the following policies shall apply to all construction and development, including grading and major vegetation removal, which involve the movement of earth in excess of 150 cubic yards.*

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- a. Development shall be designed to fit a site's topography, soils, geology, hydrology, and any other existing condition and be oriented so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum. Natural features, landforms, and native vegetation shall be preserved to the maximum extent feasible. Areas of a site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall be kept in open space.*
- b. For necessary grading operations, the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. The clearing of land shall be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes shall be in place before the beginning of the rainy season.*
- c. Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with natural grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.*
- d. Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils which have been exposed during grading or development. Cut and fill slopes shall be stabilized immediately with plantings of native species, appropriate non-native plants, or with accepted landscaping practices.*
- e. Where topsoil is removed by grading operation, it shall be stockpiled for reuse and shall be protected from compacting and wind erosion during stockpiling.*
- f. The extent of impervious surfaces shall be minimized to the greatest degree possible. Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Grassed waterways are preferred to concrete storm drains, where feasible for runoff conveyance. Water runoff beyond natural levels shall be retained on site whenever possible to facilitate groundwater recharge.*

The Watershed and Water Quality Protection/Grading Policies of the certified Unit II New Development and Land Use Section provide water quality protection by ensuring that any proposed development addresses water quality impacts related to grading, major vegetation removal, impervious surfaces, stormwater runoff and treatment, and construction activities through appropriate Best Management Practices (BMPs). Pursuant to the above-sited, currently certified Watershed and Water Quality Protection/Grading Policies, development of the project site must be undertaken in a manner that ensures the long-term preservation of water quality. As such, development governed by the certified LCP, as well as the LUP as it is proposed to be

amended, must include adequate stormwater treatment systems and construction and post-construction related BMPs.

Taken together, the existing Public Service Septic Systems Policies, the New Development Land Use Location and Density of New Development Policies, and the Watershed and Water Quality Protection/Grading Policies ensure that the proposed LUP amendment, as well as development governed by it, is consistent with the requirements of Coastal Act Section 30231. In addition, as discussed in the findings for approval of the proposed IP amendment, the County submitted the LCP amendment to the Commission subject to the Conditions of Approval and the Mitigation Measures adopted for the specific development proposal contemplated under the proposed LCP amendment (Exhibit 3, LCP Amendment Resolution of Submittal). Accordingly, the County proposes to further implement the policies of the certified LUP through water quality site-specific development standards, which are incorporated into the proposed IP amendment. Therefore, the Commission finds that the proposed LUP amendment, as submitted, is consistent with the requirements of Coastal Act Section 30231.

3.5.3.3 Environmentally Sensitive Habitat Areas

The proposed LUP amendment would not facilitate development within an environmentally sensitive habitat area inconsistent with the provisions of section 30240(a). In addition to the limitations of Section 30240 of the Coastal Act which are reiterated in LUP Natural Resources Policy 5(b), Coastal Act Section 30240(b) requires that development in areas adjacent to environmentally sensitive habitat areas (ESHA) be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat areas. In accordance with Coastal Act Section 30240(b), the Commission must determine whether the existing LUP policies together with the proposed amendment would prevent impacts that would significantly degrade the adjacent sensitive habitat area, Lagunitas Creek, and would be compatible with the continuance of that habitat area.

The Unit II LUP contains policies that provide specific water quality protection for streams which include:

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3. Streams and riparian habitats. *The policies contained in this section shall apply to all streams in the Unit II coastal zone, perennial or intermittent, which are mapped by the United States Geological survey (U.S.G.S) on the 7.5 minute quadrangle series.*
 - c. Stream Buffers. *Buffers to protect streams from the impacts of adjacent uses shall be established for each stream in Unit II. The stream buffer shall be established for each stream in Unit II. The stream buffer shall include the area covered by riparian vegetation on both sides of the stream and the area 50 feet landward from the edge of the riparian vegetation. In no case shall the stream buffer be less than 100 feet in width, on either side of the stream, as measured from the top of the stream banks.*
 - d. Development in Stream Buffers. *No Construction, alternation of land forms or vegetation removal shall be permitted within such riparian protection area.*

Additionally such project applications shall identify a stream buffer area which shall extend a minimum of 50 feet from the outer edge of riparian vegetation, but in no case less than 100 feet from the banks of a stream. Development shall not be located within this stream buffer area. When a parcels is located within a stream buffer area; design review shall be required to identify and implement the mitigation measures necessary to protect water quality, riparian vegetation and the rate and volume of stream flows. The design process shall also address the impacts of erosion and runoff, and provide for restoration of disturbed areas by replacement landscaping with plant species naturally found on the site. Where a finding based upon factual evidence is made that development outside a riparian protection or stream buffer area would be more environmentally damaging to the riparian habitat than development within the riparian protection or stream buffer area, development of principally permitted uses may occur within such areas subject to design review and appropriate mitigation measures.

Consistent with Section 30240(b) certified, LUP Policy 5(b), Other Environmentally Sensitive Habitats, requires that development be sited in a way to minimize impacts on ESHA areas. LUP Policy 5(b) states:

Other sensitive habitats include habits of rare or endangered species and unique plant communities. Development in such areas may only be permitted when it depends upon the resources of the habitat area. Development adjacent to such areas shall be set back a sufficient distance to minimize impacts on the habitat area. Public access to sensitive habitat areas, including the timing, intensity, and location of such access, shall be controlled to minimize disturbance to wildlife. Fences, roads, and structures which significantly inhibit wildlife movement, especially access to water shall be avoided. [emphasis added]

In conformity with Section 30240(b), LUP Policy 5(b) requires that development adjacent to sensitive habitat be setback a sufficient distance to minimize impacts on the habitat area. Lagunitas Creek, as discussed in Section 3.5.1.3, is defined as an ESHA. As such, any development governed by the certified LCP, as well as the LUP as it is proposed to be amended, would be required by LUP Policy 5(b) to be sited in such a way that water quality impacts that would significantly degrade the habitat qualities of the creek would be prevented. Accordingly, any wastewater disposal system proposed for the site must be located a sufficient distance from the creek to prevent significant water quality impacts, even if the required distance exceeds the 100-foot riparian buffer distance provided by the above-cited LUP buffer policy.

Together, the Other Environmentally Sensitive Habitats Policy and the Stream and Riparian Buffers (c) and (d) ensure that any development on site would be located at a sufficient distance away from Lagunitas Creek to prevent water quality impacts that would significantly degrade the creek and would be compatible with the continuance of the habitat values of creek. Thus, the above cited ESHA and stream buffer policies of the existing Marin County Unit II LUP ensure that the proposed LUP amendment, as well as development governed by it, is consistent with Coastal Act Section 30240(b). Therefore, the Commission finds that the proposed LUP amendment, as submitted, is consistent with the requirements of Coastal Act Section 30240(b).

3.6 Infrastructure and Proximity to Existing Developed Areas

Coastal Act Section 30250(a) provides:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Coastal Act Section 30252 provides:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The project site is located on the northern side of the already developed town of Point Reyes Station. New development on the affected property would be adjacent to this already developed part of the town, and would serve to concentrate development. Development of the site with a mixed-use commercial/residential project would constitute infill development consistent with adjoining uses.

3.6.1 Water Service

Northern Marin Water District (NMWD) provides water service in the area. NMWD serves Point Reyes, Olema, Bear Valley, Inverness Park, Paradise Ranch Estates and Point Reyes Station and would serve development on the 18.59-acre property. NMWD has determined that it has adequate water service available to serve the development of the site with 36 residential units and a future visitor serving use, such as a 20-guest room bed-and-breakfast inn as proposed by the LCP amendment. The increase in demand would not exceed the capacity of the water supply system nor impair NMWD's ability to provide water service to its service area. The EIR for the Point Reyes Affordable Homes Project evaluated the impact of cumulative development, including three reasonably foreseeable future projects expected to contribute to cumulate water supply impacts: (1) the Point Reyes Commons project; (2) the Olema Ranch Campground expansion; and (3) the Seashore Lodge in Olema. According to this analysis demand for water supply services in the NMWD service area is expected to increase by an additional 74 acre-feet per year (afy) once the future projects are completed. The total water capacity of NMWD is 807

to 968 afy and the existing demand is 300 afy. Thus, the calculated cumulative increase would not exceed the total capacity of NMWD water supply and would leave substantial available capacity for future growth.

The EIR prepared for the specific development proposal contemplated under the proposed LCP Amendment also evaluated the necessary fire flow required by the Marin County Fire Department to serve the maximum development allowed by the proposed policy. The project needs 1,500 gallons per minute (gpm) at a residual pressure of 20 pounds per square inch (psi) to ensure sufficient water capacity in case of a fire emergency. NMWD has determined that the existing six-inch diameter pipeline serving the area is inadequate to provide the required fire flow to the level of development allowed by the proposed policy, and that either a new 8-inch line or 12-inch line must be installed adjacent to and in replacement of the existing 6-inch line from Point Reyes-Petaluma road to the Williams Street right-of-way where it will terminate. Any future project on this site would require an internal water main that would connect to the new line at this point.

Coastal Act Section 30250(a) requires that new development be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it. Marin County's certified Unit II LUP contains policies that would ensure that any development on the 18.59-acre property allowed by the proposed policy would provide adequate fire protection. LUP Policy 2(f), Fire Protection, of the Public Services Policies requires that:

All proposed building permits and land divisions shall be reviewed by the County Fire Chief or other appropriate fire protection agency prior to the issuance of a coastal development permit so that additional requirements for fire protection, including water storage facilities, sprinkler systems, or fire hydrants, may be added as necessary.

According to the LUP Fire Protection Policy, any development on this site would have to be reviewed by the County Fire Chief for adequate fire protection prior to issuance of a Coastal Development Permit. The proposed LUP amendment would not change this requirement. To be found consistent with Public Services Policy 2(f), as discussed above, the level of development allowed by the proposed LUP amendment would require the installation of a larger pipeline to provide sufficient fire flow to the site. Thus, under both the certified LCP, and the proposed LUP amendment, Public Services Policy 2(f) ensures that development would not be allowed to occur without providing sufficient fire protection, consistent with 30250(a). With the installation of a new line of either 8 or 12 inches, sufficient fire flow for the maximum development potentially allowed under the proposed LUP amendment would be supplied to the site, consistent with LUP Public Service Policy 2(f) and Section 30250(a) of the Coastal Act.

3.6.2 Waste Water Treatment

As discussed in Section 3.5.1.2, there are no treatment plants that serve the village of Point Reyes Station. Thus, Point Reyes Station relies on individual sewage disposal systems in the form of septic systems, cesspools, mound systems, and other methods, which discharge into the ground. As proposed, the LUP amendment would allow an intensity of residential and commercial development that would generate a certain amount of wastewater that would need to be disposed of, as well as treated. Since there is no treatment plant, any development on the site would need to be served by individual wastewater treatment and disposal systems.

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Coastal Act Section 30250(a) requires that new development be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it. Marin County's certified Unit II LUP contains policies that would ensure that any development on the 18.59-acre property allowed by the proposed LUP amendment would be served by adequate wastewater disposal infrastructure. Certified LUP General Policy 1 of the Public Services Policies requires that:

Prior to the issuance of a coastal development permit, the County shall make the finding based on the information provided by environmental documents, staff analysis, and the applicant that adequate public services and resource (i.e. water supply, sewage disposal, and road access and capacity) are available to serve the proposed development. Lack of available services or resources shall be grounds for denial of the project or for a reduction in the density otherwise indicated in the land use plan.

To be found consistent with General Policy 1 of the Public Services Policies, before a coastal development permit can be issued for any development of the 18.59-acre site, including development which would be allowed by the proposed LUP amendment, the approving authority must ensure that there is adequate infrastructure to serve the development. As discussed above, the lack of a sewage treatment plant necessitates the use of individual wastewater treatment and disposal systems for development in Point Reyes Station area. Under both the certified LCP and the proposed LUP amendment, General Policy 1 of the Public Services Policies ensures that development would not be allowed to occur without providing sufficient wastewater disposal and treatment facilities. Thus, the Commission finds that LUP General Public Services Policy 1 ensures that the proposed LUP amendment, as well as development governed by it, is served by adequate infrastructure consistent with Section 30250(a) of the Coastal Act.

3.6.3 Traffic

The development site is bordered by Mesa Road on the southwest, Commodore Webster Drive on the southeast and West Marin School along the north side. Highway 1 provides regional access to the development site. Both Mesa Road and Highway 1, the major north-south roadway serving Point Reyes Station, provide local access to the development site. Highway 1 is the only major regional highway located in the vicinity of the development site. Outside of the immediate Point Reyes Station area, it is a two-lane, north-south trending roadway with an annual average daily traffic (AADT) volume of 6,100 vehicles south and 2,300 vehicles north of the Point Reyes/Petaluma Road intersection. Sir Francis Drake Boulevard and Point Reyes-Petaluma road are regional roadways located in the vicinity of the development site.

The EIR prepared for the specific development proposal contemplated under the proposed LCP amendment included an evaluation of the individual and cumulative impacts of 36 residential units and a future visitor serving use on the development site. In August 2000, vehicle-turning movement counts were conducted at five unsignalized study intersections in the vicinity of the development site and the Level of Service (LOS)¹ was calculated at each intersection for a.m.,

¹ Traffic analysis is commonly undertaken using the level of service rating method. The level of service rating is a qualitative description of the operational conditions along roadways and within intersections. Level of service is reported using an A through F letter system to describe travel delay and congestion. Level of service (LOS) A indicates free-flowing conditions. LOS E indicates the maximum capacity condition with significant congestion and delays. A LOS F rating indicates traffic that exceeds operational capacity with unacceptable delays and congestion.

p.m., and weekend mid-day peak hours. All intersections operated at either an LOS A, which represents an average total delay of less than or equal to five seconds per vehicle or an LOS B, which represents an average total delay of greater than five but less than or equal to ten seconds per vehicle. The EIR considered an unacceptable intersection level of service to be LOS D, which results in an average total delay of 20 to less than or equal to 30 seconds per vehicle.²

No signalized intersections are located in the vicinity of Point Reyes Station. The maximum level of development potentially allowed under the proposed LUP amendment would generate an estimated 510 daily trips, 38 a.m., 49 p.m. peak hour trips, and 48 weekend mid-day peak hour trips to and from the development site. The maximum potential allowable intensity of development would increase traffic volumes at unsignalized intersections in the project vicinity, but would not substantially increase delay. In most cases, the potential increase in delay is not discernable. The maximum increase of delay resulting from the maximum potential increase in traffic would be 1.8 seconds (at Highway 1/Sir Francis Drake Boulevard during the weekend peak hour). However, the LOS would not degrade at any of the study intersections compared to existing conditions. Thus, the intersection LOS would remain at acceptable Levels of Service during a.m., p.m., and weekend peak hours.

The EIR prepared for the specific development proposal contemplated under the proposed LCP Amendment also evaluated the cumulative impact of the maximum potentially allowable density proposed by Policy 8(b)(5) together with other anticipated future development and found that the intersection of Highway 1 and Point Reyes-Petaluma Road, which currently operates at LOS A during a.m. peak hours and LOS B during the p.m. and weekend mid-day peak hour, would be degraded to LOS B and LOS C respectively (LOS C represents an average total delay of more than ten but less than or equal to 20 seconds per vehicle). This cumulative traffic level is not considered a significant impact because it does not fall below LOS D, and therefore, does not present an inconsistency with 30250(a).

The EIR did identify one problem related to road infrastructure. The maximum level of development potentially allowed under the proposed LUP amendment would require access roads. The EIR evaluated the intersections of two potential access roads with existing roadways; one the western portion of the site known as Williams Street and one on the southern portion of the site identified as Papermill Creek Road. Buildings on the southwest corner of the proposed Mesa Road/Papermill Creek Road intersection would not allow 150-foot stopping distances at this intersection. Southeastbound vehicles entering Papermill Creek Road from Mesa Road would not have adequate visibility to make safe turning decisions and drivers may not consider looking for northbound Mesa road traffic before proceeding through the intersection. This would increase the risk of accidents at the Mesa Road/Papermill Creek Road intersection, and would be inconsistent with Section 30250(a) because sufficient road infrastructure would not exist to serve development of the site consistent with traffic safety standards. However, Marin County's certified Unit II LUP contains policies that would ensure that any development on the 18.59-acre

² Appendix N of the Marin County Environmental Review Guidelines, adopted in 1994, provides guidelines for assessing the significance of project impacts (Marin County 1994(b)). Based on CEQA guidelines, the Marin County Environmental Review Guidelines, and the Marin County Congestion Management Program, a project is considered to have significant transportation and circulation impacts if it would result in an unacceptable (below LOS D) intersection level of Service.

property allowed by the proposed LUP amendment would be served by adequate infrastructure. LUP General Policy 1 of the Public Services Policies requires that:

Prior to the issuance of a coastal development permit, the County shall make the finding based on the information provided by environmental documents, staff analysis, and the applicant that adequate public services and resource (i.e. water supply, sewage disposal, and road access and capacity) are available to serve the proposed development. Lack of available services or resources shall be grounds for denial of the project or for a reduction in the density otherwise indicated in the land use plan.

To be found consistent with General Policy 1 of the Public Services Policies, before a coastal development permit can be issued for any development of the 18.59-acre site, including development which would be allowed by the proposed LUP amendment, the approving authority must ensure that there is adequate infrastructure to serve the development. In addition, pursuant to this policy, the IP portion of the proposed LCP amendment requires a stop sign to be erected at the Mesa Road/Papermill Creek Road intersection to stop northbound traffic to mitigate the impact related to the inadequate visibility and stopping distant provided by the proposed Mesa Road/Papermill Creek Road intersection. Thus, the Commission finds that LUP General Public Services Policy 1 requires that development of the 18.59-acre site is served by adequate infrastructure consistent with Section 30250(a) of the Coastal Act.

Section 30252 of the Coastal Act requires that new development maintain and enhance public access to the coast. Highway 1, which is one block west and south of the project site, is one of the primary access roads to Point Reyes National Seashore and Tomales Bay. In the 18.59-acre site vicinity, Highway 1, from Sir Francis Drake Boulevard to Point Reyes Station, is part of the Congestion Management Program's (CMP) designated roadway network. The most recent Congestion Management Agency (CMA) survey reported that the roadway operated at an acceptable LOS B, in both directions, northbound and southbound, during the p.m. peak hours. If the maximum level of development potentially allowed by the LUP amendment were to degrade Highway 1's LOS in this area or the LOS at the Highway 1 intersections associated with the development site, public access to the coast would be impacted. However, the level of development potentially allowed by the LUP amendment would only generate 49 p.m. peak hour trips, and would not cause any service level changes in the LOS of Highway 1. Furthermore, as discussed above, the certified Unit II LUP contains policies to ensure that any development on this 18.59-acre site would not significantly impact road access and capacity. Consistent with these policies, the maximum level of development potentially allowed by the proposed LUP amendment would not significantly degrade the LOS at associated intersections or the Highway 1 roadway. Thus, under both the certified LCP, and the proposed LUP amendment, public access to the coast would be maintained consistent with LUP Public Services Policy 1 and Coastal Act Section 30252.

3.6.4 Parking

The availability of on street parking in downtown Point Reyes Station has historically been a subject of community concern. On-street parking represents a large share of the downtown parking facilities. Marin County Unit II LUP states:

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...the community plan recognizes that Point Reyes Station has been targeted for visitor oriented commercial development and accepts this responsibility. Additional commercial development is encouraged through infilling, although two problems are noted with this approach: lack of adequate parking facilities...

The LUP recommends additional off-street parking to address this problem. If adequate parking facilities are not available for the maximum level of development potentially allowed by the proposed LUP amendment for the 18.59-acre site, which is adjacent to downtown Point Reyes Station, a 36 residential unit development could have an adverse impact on the on-street parking, inconsistent with Section 30250(a).

County Code Section 24.04.340 specifies development standards for parking. Minimum off-street parking spaces for multiple-family residential units require 1.5 resident parking spaces per one-bedroom unit, 2.0 spaces per two-bedroom unit, and 2.5 spaces per three or more bedrooms. In addition, one guest space must be provided for every five multiple-family dwelling units. For detached single-family dwelling, two residential parking spaces and two guests parking spaced per unit are required. For one-bedroom second units, one resident parking space is required, and no guest parking is required. Section 24.04.340 is not included as part of the LCP; however, as cited above, LUP General Policy 1 of the Public Services Policies requires that adequate public services and resources be available to serve approved development. If future development of the site does not provide sufficient on-site parking, it could not be found consistent with General Policy 1 of the LUP and receive approval for a coastal development permit.

The EIR prepared for the specific development proposal contemplated under the proposed LCP Amendment includes in its analysis impacts to on-street parking. The EIR concluded that there is enough space to provide for a total of 70 residential parking spaces and 36 guest parking spaces for a total of 106 residential parking spaces on the 18.59-acre development site (County Code Section 24.04.340 requires 105 parking spaces for 36 residential units, equal to that allowed by the proposed LUP amendment). Pursuant to certified LUP General Policy 1, future residential development on the site would be required to provide adequate on-site parking, such that on-street parking in Point Reyes Station would not be affected. Furthermore, the proposed LUP amendment requires that a minimum of 12 public parking spaces be developed in Area D, thereby reducing the existing on-street parking demands within Point Reyes Station.

The EIR prepared for the specific development proposal contemplated under the proposed LCP Amendment did not assess the adequacy of visitor serving commercial parking for Area E because the planning for the specific development has yet to occur. However, because LUP General Policy 1 of the Public Services Policies requires that adequate public services and resources be available to serve any proposed development, any permitted future development of Area E must provide adequate parking (Zoning Code Section 24.04.340 requires one parking space per guest room and one per shift employee) to maintain and enhance public access to the coast in accord with Coastal Act Section 30252. The Commission therefore finds that the affected property is located within an existing developed area that adequate public services exist to serve the types and intensities of uses provided by the proposed LUP amendment that the proposed LUP amendment, as well as development governed by it, conforms to Section 30250(a) of the Coastal Act.

3.7 Visual Resources

Coastal Act Section 30251 provides:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Coastal Act Section 30253(5) provides:

Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Point Reyes Station is encircled by the opens spaces of the Point Reyes National Seashore and the Golden Gate National Recreation Area, pastures, and farmland. Point Reyes Station is sited on a gentle slope that affords expansive distant views of forested hills along Tomales Bay toward the south and west, as well as views of West Marin's rolling grassy hills to the north and the east. The buildings of the town, while densest in the commercial area, typically have open yards and vacant land between them. In addition, building heights are relatively low. Consequently, views are available between, around, and over lower buildings in many parts of the village.

The 18.59-acre site is located generally north of the central part of the village on a gently rolling hillside that slopes downward to Mesa Road. The majority of the site is located approximately 10 to 15 feet above street level. It is vegetated by various grasses with blackberry shrubs along the northwestern site boundary and Monterey pines along the northeastern site boundary (Exhibit 7, Development Site). The 18.59-acre site is not located between the first public road and the sea, but is located near Point Reyes National Seashore, an area of high scenic value and partially in the Point Reyes Station Historic Area.

Close range views from the 18.59-acre site are characterized by commercial buildings, residences, and ornamental landscaping, while distant views from the site are characterized by grassy and forested mountains, hillsides, and ridgelines. Residences along Highway 1 to the west of the property block coastal views from the site.

Distant and close range views of the 18.59-acre site are available from various locations within the village of Point Reyes Station, and from distant hills, ridges, and mountains surrounding the village. The tall windrow of Monterey pines blocks distant views from the north, thus views of the 18.59-acre site are primarily available from the west, south, and east from trails in Point Reyes National Seashore and area residences. However, because the 18.59-acre site is relatively small, it is indistinct in the overall landscape when viewed from a great distance.

Local topography, the windrow of Monterey pine, existing residences and the row of Monterey Cypress screen or partially screen close range views of the site from the north, west and southeast. Close range views from Mesa Road immediately to the south are relatively

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unobstructed. The 18.59-acre site can be seen from various locations within the village core, a bit farther to the south through the view corridors between the buildings. The broadest close range views of the site from Highway 1 are available through the view corridor provided by the undeveloped Williams Street right-of way.

The proposed LUP amendment would provide land use designations for this site that allow for multiple and single-family residential development and commercial development, which may potentially impact visual resources. The amendment would further specify the locations and maximum intensities of residential development for the site, which include a total of 36 residential units clustered in the northwest and southeast corners of the site (seven units in Area A, 27 units in Area B and two units in Area C) and the location of a future over-night visitor serving facility in the southern portion of the site. The proposed LUP amendment also reserves Area F, the central portion of the site, as open space.

Coastal Act Section 30251 requires that development be sited and designed to protect views to and along the ocean and scenic coastal areas and that it be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. Marin County's certified Unit II LUP contains policies that would ensure that any development on the 18.59-acre property allowed by the proposed policy would be consistent with Section 30251. Consistent with Section 30251, LUP Policy 3, Visual Resources, of the New Development and Land Use Policies, requires that:

- a. The height, scale and design of new structures shall be compatible with the character of the surrounding natural or built environment. Structures shall be designed to follow the natural contours of the landscape and sited so as not to obstruct significant views as seen from public viewing places.*
- b. Development shall be screened with appropriate landscaping; however, such landscaping shall not, when mature, interfere with public views to and along the coast. The use of native plant material is encouraged.*
- c. Signs shall be of a size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points and shall conform to the County's sign ordinance.*
- d. Distribution utility lines shall be placed underground in new development to protect scenic resources except where the cost of undergrounding would be so high as to deny service.*

The LUP Visual Resource Policies provide the same level of visual protection afforded by Section 30251, as well as additional provisions for signage, utility lines and landscaping. Under both the certified LCP and the proposed LUP amendment, any development of the 18.59-acre site must conform to all of the policies of the County's certified LCP, including any visual resource policies, and the applicable zoning.

The proposed New Development and LUP Policy 8(b)(5) allows for a maximum level of potentially allowable development that could be undertaken consistent with the Unit II LUP visual resource policies discussed above. The Final EIR for the Point Reyes Affordable Housing Project contemplated by the proposed LCP amendment includes an analysis of the visual impacts

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of the maximum level development potentially allowed under the proposed LCP amendment. In its analysis, the FEIR assessed the visual impact from three-offsite locations: (1) southeast of the development site along Commodore Webster Drive; (2) south of the project from 2nd street in the village; and (3) west of the site from Highway 1 through visual simulations (Exhibit 11, Visual Simulations).

Residential units allowed in Area C would be visible from the first vantage point. However, the maximum level of potentially allowable residential development in Area C will be limited by the above-referenced Visual Resource Policy 3 so as to ensure that any allowable development would not greatly impact views from Commodore Webster Drive. From the second vantage point, the view corridor would include views of the future visitor serving use (Area E) and open space (Area F). Although the visual simulations did not include the future visitor serving use, the existing LUP Visual Resource Policy 3(a), as discussed above, would require that any development in this area be compatible with the existing village development, which would maintain the scenic quality of the surrounding area. From the third vantage point along Highway 1 on the Williams Street right-of-way, views of vacant land, distant valleys, and the surrounding mountains, would be impacted by any residential units allowed in Area A. However, this view corridor represents a small gap among existing residential development. Motorists, bicyclists, and pedestrians along Highway 1 pass the site in a matter of a few seconds; thus, the change in the availability of this view to the public would not be significant. Furthermore, the maximum density potentially allowed under the proposed LUP amendment (approximately 2 units per acre) is consistent with or less than surrounding areas and considerable open space is retained, thus, the quality of views looking toward and across the development site would not be substantially diminished.

In addition, the C-OS (Coastal, Open Space) and C-MF-2 (Coastal, Multiple-family) land use designations proposed by the LUP amendment for areas of the site would allow clustered development and open space preservation. These two land uses designations facilitate the protection of view corridors by grouping development in certain areas and maintaining large open areas, and thus, minimizing the total visual impact. As such, the proposed LUP amendment would preserve scenic quality and minimize the visual impact of development on the site

While the development of 36 residential units and a future visitor serving use on the development site would increase the degree of view obstruction from some offsite locations, the exiting LUP visual resource polices, the clustering allowed by the CMF-2 land use designation, and the open space protection afforded by the C-OS land use designation, would substantially preserves view corridors across and through the site, consistent with Section 30251 of the Coastal Act.

The certified Unit II LCP considers Point Reyes Station an historic area. The western portion of the development site, which includes Areas A, D, E, and half of Area F, is located within the Point Reyes Station Historic Area, as delineated in the Marin County Local Coastal Program, Unit II. Section 30253(5) protects special communities and neighborhoods, which, because of their unique characteristics, are popular visitor destination points for recreational uses. The Point Reyes Station Historic Area is potentially eligible to be a National Historic Area. Consistent with Section 30253(5), Marin County LUP Policy 1(a)(1), Historic Resources, of the New Development and Land Use Policies, states that:

“Historic areas” shall be established in Tomales, Marshall, Point Reyes Station, Olema and Inverness. The boundaries of these areas are described and mapped in Appendix E of the Unit II LCP. Within these historic area boundaries, all new construction shall conform in scale, design, materials, and texture with the surrounding community character.

The certified LUP Historic Resources Policy 1(a)(1) provides protection for the special community of Point Reyes Station, consistent with 30253(5). Thus, any development in areas A, D, E, and half of Area F would need to be consistent with existing LUP Policy Historic Resource 1(a)(1), which requires that all new construction in the delineated historic areas, conform in scale, design, materials, and texture with the surrounding community character.

The above-cited visual and historic resource protection policies of the existing Marin County certified Unit II LUP require the same level of protection as Sections 30251 and 30253(5) of the Coastal Act and ensure that the proposed LUP amendment, as well as development governed by it, is consistent with the requirements of Coastal Act Sections 30251 and 30253(5). As discussed above, development of the 18.59-acre site under the proposed land use designations and LUP amendment will be limited by these existing LUP policies so as to ensure that any potentially allowable development is consistent with the requirements of 30253(5) and 30251. Therefore, the Commission finds that the proposed LUP amendment as submitted is consistent with the requirements of Coastal Act Sections 30251 and 30253(5).

3.8 Public Access to the Coast

Coastal Act Section 30252 provides in relevant part:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The development site identified in the proposed policy is located approximately one mile north of Point Reyes National Seashore and is even closer to Tomales Bay; both popular coastal destinations. As mentioned in Section 8.4, because of its scenic quality, climate, rural character, recreational opportunities, and proximity to the San Francisco Bay area, West Marin is a popular tourist destination. This area of the coast is accessible via automobile and public transportation. Golden Gate Transit currently provides public transportation to the Point Reyes Station area.

Thus, in accordance with Coastal Act Section 30252, the Commission must consider the potential effects of the proposed LUP amendment to coastal access and recreation. Since the proposed LUP policy and land use designations would provide for a slight reduction in the

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maximum intensity of development potentially allowable at the affordable housing project site from that currently allowed, the amendment would serve to reduce the potential demands on coastal access routes and recreational facilities associated with the future development of the site. Nevertheless, the Commission must determine if the LUP as amended would be consistent with and adequate to carry out the requirements of Coastal Act Section 30252.

The Marin County Unit II LUP contains numerous policies that address the need to reserve and improve transportation capacity to serve coastal access and the substantial public recreational facilities of West Marin. Some of the key policies include:

Public Access and Recreation

4. Recreation and Transportation

- a. Bike Paths. The County supports the concept of a bike/pedestrian trail network in Unit II, connecting the villages and providing access to public parks...*

Federal Parklands

1. Public Access and Transportation

- a. Additional coastal access trails and bike paths should be provided where feasible and where consistent with the protection of the parks' natural resources. Non-vehicular accessways should connect points accessible by both automobile and transit.*
- b. Frequent convenient transit service from outside parks to the most heavily used areas of the parks should be given priority in transit planning and funding. The National Park Service should develop a shuttle system to serve points within the parks.*

2. Recreation and Visitor-Serving Facilities

- a. Priority should be given to the development of new facilities in the most heavily used areas of the parks which are close to park interpretive, educational, and other programs and which are easily accessible by transit...*

Public Services

- 1. General Policy. Prior to the issuance of a coastal development permit, the County shall make the finding... that adequate public services... (i.e., ... road access and capacity) are available to serve the proposed development...*

4. Transportation and Road Capacity

...

- c. Alternative Methods of Transportation. The County discourages the excessive use of private automobiles and strongly supports the development of expanded transit and other alternative methods of transportation in the coastal zone,*

such as bicycles. Bicycle and pedestrian paths, separated from roads where possible, are especially encouraged. The development of new transit service routes and associated loading and turning areas is also encouraged, consistent with the goal of utilizing public transit to meet current and increased use of coastal access and recreational areas.

Taken together, these policies carry out the requirements of Coastal Act Section 30252. As discussed above, the traffic studies undertaken for the project EIR demonstrate that development of the site in accordance with the proposed land use designations and LUP New Development Policy 8(b)(5) would not significantly impact traffic circulation on Highway 1 or other major coastal access routes and would not create additional transit service demands in excess of available transit capacity.

Since Point Reyes National Seashore is a popular destination for coastal recreational users, it is important that new development in the Point Reyes area maintains and enhances public access to this area of the coast. The proposed LUP amendment does not provide for the extension of transit service; however, the FEIR for the specific development proposal contemplated under the proposed LCP Amendment did examine the impact of 36 residential units and found that such a development proposal would not significantly impact the existing transit service. First, due to the rural village setting, residents would be expected to primarily use motor vehicles for transportation. Second, the development site is adjacent to downtown Point Reyes Station. Residents of any future development on the site would have access to groceries stores and other amenities within walking distance, and would minimize the use of the existing transit services. Thus, the transit demand of 36 residential units would be minimal, not that of a high intensity use such as a high-rise office building. The proximity of the development site to the village center, which allows residents to access Point Reyes Station and its amenities on foot, would also minimize the use of coastal access roads. Therefore, the increase in transit usage is not expected to exceed the current bus service capacity and the existing service to Point Reyes Station would not be significantly impacted, consistent with Sections 30252(1) and 30252(2).

Section 30252 also states that future development should maintain and enhance public access to the coast by providing nonautomobile circulation within the development and providing adequate parking facilities or substitute means of serving the development with public transportation to maintain and enhance public access to the coast. The EIR prepared for the specific development proposal contemplated by the proposed LCP Amendment includes the study of a 30-foot-wide unimproved public pedestrian easement extending from the area designated for public parking to the northeast boundary of the development site. There is ample room for both the 36 unit residential development and the pedestrian easement within the development site. As discussed in Section 8.6, the EIR demonstrated that there is adequate space for the development of a 36 residential unit development and the required parking facilities to serve that level of development. Thus, the proposed amendment allows for non automobile circulation consistent with Sections 30252(3) and 30252 (4).

Section 30252(6) states that new development should maintain and enhance public access by assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development. The development site is located close to Point Reyes National Seashore and Tomales Bay State Park,

which together include approximately 50% of the 70 miles of shoreline in Unit II and provide most of the public access and recreational opportunities available there. Not only are these recreational facilities in close proximity to the site and available for future residences, but also the proposed LUP amendment would designate 2.68 acres of the site as open space.

Since the intensity of the maximum level of potentially development allowed under the proposed LUP amendment would not substantially impact existing public transit, is located near existing commercial development, allows for the provision of nonautomobile circulation within the development site, allows for the development of adequate parking facilities, and assures that the recreational needs of new residents will not overload nearby coastal recreation areas, the proposed LUP amendment would maintain and enhance public access to the coast and is consistent with Section 30253 of the Coastal Act.

3.9 Prime Agriculture Lands

Coastal Act Section 30241 provides in relevant part:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

The Marin County Unit II LUP states:

The state's two leading agricultural commodities, dairy projects and cattle/calves, are also the leading agricultural commodities in the San Francisco Bay area and in Marin County.

At present, agriculture land in West Marin County is facing critical pressure, so much that an Agricultural Advisory Group was formed in March of 2001 to identify specific near-term actions that can be taken to support the long-term viability of agriculture. Coastal Act Section 30241 protects prime agricultural lands from being converted to urban land uses by limiting the conversion of agricultural lands around the periphery of urban areas to lands where the viability of existing agricultural uses is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

The proposed LUP amendment does not present conflicts with Section 30241(b) because there are no prime agricultural lands on the 18.59-acre parcel. Thus, the proposed commercial, residential, and open space land uses would not convert prime agricultural land to urban land uses. Furthermore, these land uses allow for some small-scale agricultural uses.

Since the development site does not contain any prime agricultural lands, the Commission finds that the proposed LUP amendment is consistent with Coastal Act Section 30241.

PART II: IMPLEMENTATION PROGRAM AMENDMENT

As submitted, the proposed IP amendment is fully consistent with and adequate to carry out the policies of the LUP, as modified and certified.

1.0 STANDARD OF REVIEW FOR IMPLEMENTATION PROGRAM AMENDMENT

Sections 30513 of the Coastal Act states that the “[t]he Commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan.”

The provisions of the certified land use plan are thus the standard of review for implementing zoning ordinances. To approve the amendments to the Implementation Program (IP), the Commission must find the IP, as amended, will conform with and adequately carry out the policies of the LUP, as modified and certified.

2.0 STAFF RECOMMENDATION FOR IMPLEMENTATION PROGRAM AMENDMENT

MOTION:

I move that the Commission reject the Amendment 1-MAJ-02 of the Implementation Program for the County of Marin as submitted.

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies Implementation Program Amendment 1-MAJ-02 for the County of Marin as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

3.0 FINDINGS TO APPROVE IMPLEMENTATION PROGRAM AMENDMENT

The Commission hereby finds and declares:

3.1 Description

The County proposes to amend the IP to rezone the 18.59-acre property consisting of APN 119-240-45, -46, -57 and -58, and consisting of Areas A, B, C, D, E, and F as depicted on Exhibit 5 from a mixture of Coastal, Village Commercial Residential (C-VCR:B-2) and Coastal, Suburban Agricultural (C-RA:B-3) zoning districts to a combination of Coastal, Residential Multiple Planned Commercial (C-RMPC), Coastal, Residential Multiple Planned (C-RMP), and Coastal Open Area (C-OA) zoning districts (Exhibit 9, Existing Zoning & Exhibit 12, Proposed Zoning). A portion of the north east corner of the parcel would remain as a Coastal, Suburban Agricultural (C-RA:B-3) zoning district. At present, the western half of the property is zoned C-VCR-B:2 (APNs 119- 240-45 and -46) and the eastern half is zoned C-RA-B:3 (APNs 119- 240-46, -57 and -58) (Exhibit 12, Proposed Zoning). APN 119- 240-46 is split zoned. The proposed rezoning would change the maximum limit of units allowed on the property from 58 units under the current zoning to 56 units under the proposed zoning. The proposed amendment would also add an overall single site development plan to the IP for the 18.59-acre property, which would indicate the kinds, locations, and intensities of uses consistent with proposed Unit II LUP Policy 8(b)(5).

3.2 Rezoning

The proposed IP amendment would rezone Area A and central Area B to Coastal, Residential Multiple Planned Commercial, 4.3 units per acre (C-RMPC- 4.3), western Area B to Coastal, Residential Multiple Planned Commercial, 3.2 units per acre (C-RMPC- 3.2), Areas D and E to Coastal, Residential Multiple Planned Commercial (C-RMPC), and Area F to Coastal Open Area (C-OA) zoning districts as depicted on Exhibit 12. A portion of the northeast corner of the parcel would remain as a Coastal, Suburban Agricultural (C-RA:B-3) zoning district. The proposed zoning districts, C-RMPC, C-RMP, and C-OA are zoning classifications that already exist within the certified IP. C-RMP zoning districts are allowed in C-RS land use designated areas, such as Areas D and E. C-RMP zoning districts are allowed in C-MF-2 land use designated areas such as central and western Area B. C-OA zoning districts are allowed in C-OS land use designated areas such as Area F. The proposed rezoning for the 18.59-acre parcel will zone the Areas A, B, D, E, and F with zoning districts consistent with the Land Use Designations specified for those areas in the proposed Unit II LUP New Development and Land Use Policy 8(b)(5). Thus, the proposed zoning designations are consistent with and adequate to carry out the amended land use designations approved for the site.

3.3 Overall Site Development Plan

The IP amendment also proposes the certification of an overall site development plan for the project site. The proposed LUP amendment includes standards for the overall site development plan, which included the following:

- a. The total number of residential units on the entire 18.6-acre area shall not exceed 36.*
- b. Area A shall be developed with a maximum of seven detached affordable for-sale units ranging in size from approximately 900 to 1,155 square feet.*

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- c. Area B shall be developed with a maximum of 27 rental affordable units ranging in size from approximately 1,440 to 1,720 square feet, with a manager's unit/community building of approximately 2,180 square feet.*
- d. No more than two residential dwelling units may be developed within Area C.*
- e. A minimum of 12 public parking spaces shall be provided within Area D.*
- f. A minimum of two acres shall be reserved for a future overnight visitor-serving facility, preferably providing lower cost services to the maximum extent feasible, or an alternative commercial use deemed appropriate by the Coastal Commission within Area E.*
- g. Future use of the approximate 18.59-acre area depicted on Exhibit E, including all wetlands shall be consistent with the Local Coastal Program, including provisions which mandate a 100-foot minimum buffer as measured landward from the edge of the wetlands.*
- h. No coastal development permit for a subdivision or division of the approximate 18.59-acre area depicted on Exhibit E shall be approved without the owner(s) of all such assessor parcels agreeing to grant or offer to dedicate a conservation easement over all wetland and wetland buffer areas prior to issuance of any coastal development permit for subdivision or division of the 18.59 acre area depicted on Exhibit E.*

Subsections A-E of the New Development and Land Use Policy 8(b)(5) specify the locations, densities, and intensities of development in Areas A-E on Exhibit E (attached as Exhibit 5). Consistent with New Development and Land Use Policy 8(b)(5), the proposed overall site development plan only allows for the density, intensity and location of development specified in Subsection A-F, as illustrated on the attached Exhibit 5 (Overall Site Development Plan), through the following IP provisions:

- 1.(E) Pursuant to Marin County Code Chapters 22.45, 22.56, and 20.32, the Point Reyes Affordable Homes Master Plan, Precise Development Plan, Coastal Permit, and Subdivision applications are approved for the following:... (1) the construction of 27 affordable rental apartments and 7 affordable for-sale single-family residences; (2) the reservation of land area for future development of a three-bedroom, up to 2,800 square foot market rate single-family residence, a one-bedroom, up to 750 square foot cottage, and a barn; (3) the reservation of land area for future development of a 20-room, up to 17,000 square foot lodge or a similar visitor-serving use; (4) the reservation of land area for future development of a 12-space public parking lot and a restroom structure; and (5) the reservation of land for open space conservation purposes. A Subdivision (Vesting Tentative Map) to divide the property into 13 separate lots of record is conditionally approved. Any modifications to the project that would eliminate the affordable component shall require an amendment to the Master Plan.*
- 9. Future development of the public parking lot and restroom structure on Lot 12 shall incorporate the following conditions and restrictions:*

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- A. *The location, size, and access for the parking lot and restroom structure shall be in general conformance with those which were conceptually depicted on Exhibit "A."*
 - B. *The parking lot and restroom structure shall be screened from public views with shrubs consistent with the Point Reyes Station Landscaping Guide.*
10. *Future development and use of the visitor-serving commercial use on Lot 10 shall be subject to the following conditions and restrictions:*
- ...
- B. *The use shall consist of the overnight lodge use approved by the Master Plan, or a similar visitor-serving use consistent with the intent and objectives of the Countywide Plan's Coastal Recreation Corridor and the Local Coastal Program and the parameters evaluated in the Environmental Impact Report for the Point Reyes Affordable Homes project.*

Subsection G of New Development and Land Use Policy 8(b)(5) requires that development be consistent with the LCP, including provisions which mandate a 100-foot minimum buffer as measured landward from the edge of the wetlands. As discussed in the LUP Amendment Section of this report, both the certified LCP and the approved LUP Amendment contain policies to ensure that development of the 18.59-acre site will occur consistent with the Chapter 3 policies of the Coastal Act (please see Appendix A for Unit II LUP wetland policies).

The Unit II Wetland LUP Policies specifically provide for the preservation and maintenance of wetlands in the Unit II Coastal Zone as productive wildlife habitats, recreational open space, and water filtering and storage areas. Natural Policy 4(a) and the Diking, Filling, and Dredging Policy 2 limit the diking, filling and dredging of wetlands to 7 allowable purposes as listed above. Diking, Filling, and Dredging Policy 3 further specifies the conditions and standards which must be met before the allowable activities may occur, including the requirement that any allowable diking, filling or dredging occur only if there is no feasible less environmentally damaging alternative. Natural Resources Policy 4 provides additional protection for wetlands by specifically limiting the proximity of development sited adjacent to wetlands. Natural Resources Policy 4(d) mandates a 100-foot minimum buffer as measured landward from the edge of the wetlands be established along the periphery of all wetlands. The policy also prohibits development activities and uses within the buffer unless they are for the purposes allowed under the Diking, Filling, and Dredging LUP Policy 2 or they are resource dependent activities, which are limited to fishing, recreation clamming, hiking, hunting, nature study, bird-watching and boating. Policy 4(d) also requires that the uses allowed in buffers meet all the Diking, Filling, and Dredging Policies, which includes meeting the conditions and standards specified in Policy 3. Subsection H of the New Land Use and Development Policy 8(b)(5), also provides wetland protection by requiring a grant or offer to dedicate a conservation easement over all wetland and wetland buffer areas prior to issuance of any coastal development permit for subdivision of the 18.59-acre area. As specified in Subsection F, any development on the site must be consistent with LCP policies including the requirement that a 100-foot minimum buffer as measured landward from the edge of the wetlands be established.

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The Marin County IP contains provisions that would ensure that any development on the 18.59-acre property, as described and depicted on the overall site development plan, would be consistent with the LUP Unit II Natural Resources and Diking, Filling, and Dredging Policies. Section 22.56.130(G)(5) requires the following:

The diking, filling, dredging and other alterations of wetlands shall occur only for minor, public works projects and shall be in conformance with the Coastal Act Section 30233. No physical improvements along the county parklands surrounding Bolinas Lagoon shall occur. Land uses in and adjacent to wetlands shall be evaluated as follows:

- a. Filling of wetlands for the purposes of single-family residential development shall not be permitted.*
- b. Allowable resource-dependent activities in wetlands shall include fishing, recreational clamming, hiking, hunting, nature study, bird watching and boating.*
- c. No grazing or other agricultural uses shall be permitted in wetlands except in those reclaimed areas presently used for such activities.*
- d. A buffer strip one hundred feet in width, minimum, as measured landward from the edge of the wetland, shall be established along the periphery of all wetlands. Development activities and uses in the wetland buffer shall be limited to those allowed pursuant to Section 30233 of the Coastal Act of 1976.*
- e. As part of the development on any parcel adjacent to Tomales Bay, except where there is no evidence of wetlands pursuant to the Coastal Commission's adopted guidelines, the applicant shall be required to submit supplemental biological information prepared by a qualified ecologist at a scale sufficient to identify the extent of existing wetlands based on Section 30121 of the Coastal Act and the area of the proposed buffer areas.*
- f. All conditions and standards of the LCP, relating to diking, filling and dredging shall be met.*

The above provisions of the IP afford the same level of protection as the Unit II wetland policies by limiting the allowable uses in wetland areas, mandating a minimum 100-foot buffer be established for all wetlands, and requiring that all conditions and standards of the LCP relating to diking, filling and dredging be met.

Consistent with Subsection H and as depicted on Exhibit 5, the proposed overall site development plan includes a 100-foot wetland buffer and avoids development inconsistent with Section 30233 of the Coastal Act and Unit II Natural Resources Policy 4 and Diking, Filling, and Dredging Policy 2.

Subsection H of the LUP amendment policy, New Land Use and Development Policy 8(b)(5), also provides wetland protection by requiring a grant or offer to dedicate a conservation easement over all wetland and wetland buffer areas prior to issuance of any coastal development permit for subdivision of the 18.59-acre area. Consistent with this requirement, the proposed IP amendment includes provisions that require the recordation of an easement over all wetlands and wetland buffers through the following IP provisions:

5. *Future development and use of all portions of the property shall be subject to the following restrictions and conditions:*
 - A. *A conservation easement shall apply to all delineated wetlands and a buffer area extending 100 feet from the edge of the wetlands as depicted in the Final Map. Only the water pipeline extension approved herein and uses that are allowed by the Local Coastal Program are permitted within the easement. Fences and other structures shall be prohibited within the conservation easement area. Animal grazing, filling, or other site alterations are prohibited within the easement area. Vegetation shall not be removed, unless for purposes of eradicating non-native, invasive species, to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, or to prevent safety hazards to people and property. It shall be the responsibility of the property owner to eradicate non-native, invasive species within the easement area.*

Provisions 20 and 24 specifically emphasize the requirement of the conservation easement for the Lot 13, which contains both the central and eastern wetland.

20. *The following restrictions and conditions shall be stated or shown on an addendum page to the Final Map to be filed for record:*
 - A. *A conservation easement shall apply to all delineated wetlands and a buffer area extending 100 feet from the edge of the wetlands as depicted in the Final Map for Lot 13. Only the water pipeline extension approved herein and uses that are allowed by the Local Coastal Program are permitted within the easement. Fences and other structures shall be prohibited within the conservation easement area. Animal grazing, filling, or other site alterations are prohibited within the easement area. Vegetation shall not be removed, unless for purposes of eradicating non-native, invasive species, to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, or to prevent safety hazards to people and property. It shall be the responsibility of the property owner to eradicate non-native, invasive species within the easement area.*
24. *CONCURRENT WITH THE RECORDATION OF EACH FINAL MAP, the following shall be recorded: (1) all conditions of project approval contained herein; (2) a conservation easement which encumbers Lot 13 and all wetland buffer areas extending 100 feet from the perimeter of the delineated wetlands; and (3) the hold harmless agreement. All documents shall be in a form approved by the County Counsel, and shall comply with the Subdivision Map Act.*

Within the conservation easements, only those uses that are allowed by the Local Coastal Program are permitted. The County intends for a public agency or non-profit to accept and manage the easement for the purposes of wetland protection and enhancement.

The proposed site development plan included as part of the IP amendment also allows for specific development within a wetland buffer consistent with the Unit II Wetland Policies. Provision 5 allows for the placement of a water pipeline extension in the northwestern wetland's

100-foot buffer and a conservation easement. The water pipeline is required for the development specified in the overall site development plan to conform with the Marin County Fire Department's fire flow requirements. The burying of an underground pipeline is an allowed use pursuant to the LCP Diking, Filling, and Dredging Policy 2(c) because it is for an incidental public service purpose. Consistent with the Diking, Filling, and Dredging Policy 3(a), the pipe location is the least feasible environmentally damaging alternative. The EIR prepared for the Point Reyes Affordable Housing project contemplated under this LCP amendment, which examined the impact of development as depicted in the overall site development plan, found it is not possible to avoid encroachment into the wetland buffer when extending the water line through the Williams Street right-of-way off of Highway 1 due to the size and location of the wetland. The alternative alignment, which would have extended the water line down Shoreline Highway Mesa Road, and through the Bostick Avenue private road easement, was found to increase the overall cost for the affordable housing development and would have resulted in greater significant adverse impacts due to at least 720 additional feet of trenching, disturbance to traffic circulation and adjoining properties. Furthermore, consistent with LCP Diking, Filling, and Dredging Policy 3(b), which requires that uses allowed within wetland only be permitted where feasible mitigation measures have been provided to minimize adverse environmental effects, Provision 22 requires the following:

22. PRIOR TO RECORDATION OF THE FINAL MAP FOR LOT 13, APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT, OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall demonstrate that wetland compensation at a ratio of 3:1 shall be provided on-site to compensate for disturbance within the 100-foot wetland buffer area related to the undergrounding of the water line extension. The applicant shall submit a plan, prepared by a qualified wetland biologist, which includes recommendations for wetland enhancement measures that provide equivalent levels of function and values as those which have been impacted by the construction within the wetland buffer area. This condition would not apply if the water line extension were relocated to avoid encroachment into the wetland buffer area. PRIOR TO FINAL INSPECTIONS OF THE SUBDIVISION IMPROVEMENTS, the applicant shall demonstrate that all measures identified in the approved wetland enhancement plan have been completed to provide adequate compensation for wetland buffer area disturbances, and that a monitoring plan has been implemented to ensure the long-term success of these measures.

Although the disturbance within the buffer area would be temporary and would involve a total area of approximately 300 square feet, Provision 22 requires that the applicant provide a 3:1 on-site mitigation to compensate for this disturbance. This would result in expansion of the on-site wetlands by approximately 900 square feet.

In addition to the above listed provisions, the proposed IP amendment includes the following additional wetland protection measures:

11. Future use of Lot 13 which comprises the wetland resources shall be subject to the following conditions and restrictions:

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- A. *Prior to the initiation of permitted agricultural uses under the Coastal, Open Area zoning, an agricultural and natural resources management plan shall be submitted and reviewed by the Community Development Director, in consultation with the Agricultural Advisory Committee.*
 - B. *The opportunity for permanent public access on this lot shall be provided to the extent that it is consistent with the purpose of the agricultural and natural resources management plan.*
 - C. *PRIOR TO APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, the applicant shall demonstrate that a plan for the long-term protection of the wetlands has been submitted and found acceptable by the Regional Board Executive Officer for the Regional Water Quality Control Board. This plan should include measures to preclude adverse impacts to the wetlands that may be associated with occupancy and use of the proposed development, monitoring the conditions of the wetlands, and contingency measures to be taken in the event that the wetlands are adversely impacted in the future.*
90. PRIOR TO ISSUANCE OF A GRADING PERMIT OR BUILDING PERMIT, whichever occurs first, and to avoid inadvertent impacts to seasonal wetlands during construction, temporary orange mesh fencing shall be placed around all seasonal wetlands at the site and all activities shall be restricted to the outside of these fences by appropriate signage. The fencing location shall be identified by a qualified wetland specialist. The fences shall remain in place for the entire construction period and shall be periodically checked to ensure that they remain intact. Fencing shall be removed following the completion of construction.
(Biological Resources, #4.13-9 and #4.13-11)

Provision 11(c), further ensures the protection of onsite wetlands by requiring a plan for the long-term protection of the wetlands be submitted and found acceptable by the Regional Board Executive Officer for the Regional Water Quality Control Board. It also specifies that the plan should include measures to preclude adverse impacts to the wetlands that may be associated with occupancy and use of the proposed development, monitoring the conditions of the wetlands, and contingency measures to be taken in the event that the wetlands are adversely impacted in the future. In addition to Provision 11, Provision 90 provides for the protection of wetlands from inadvertent impacts during construction.

Together, the existing and proposed IP standards, including the overall site development plan, provide sufficient protection of wetland resources and are consistent with and adequate to carry out the wetland protection policies specified in Subsection G and H of the New Land Use and Development Policy, Natural Policy 4 and the Diking, Filling, and Dredging Policies of the Unit II LCP. As discussed above, the overall site development plan also meets the standards required by Subsections A-H for the development of the 18.59-acre site. Thus, as proposed the overall site development plan is and consistent with and adequate to carry out the proposed New Development and Land Use Policy 8(b)(5).

3.4 Water Quality Protection – Wastewater

Unit II LUP Public Services Policies provide:

3. Sewage disposal.

a. On-site sewage disposal. *All on-site sewage disposal systems in the coastal zone shall be evaluated as follows:*

- (1) Septic systems. All septic systems shall meet the standards contained in either the Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems adopted by the Regional Water Quality Board on April 17, 1979 or the County's revised septic system code, when approved by the Regional Board. No waivers shall be granted unless a public entity has formally assumed responsibility for inspecting, monitoring, and enforcing the maintenance of the system in accordance with criteria adopted by the Regional Board, or such waivers have otherwise been reviewed and approved by the Regional Board. (See Appendix C)*
- (2) Expansions or alternations. Where a coastal development permit is necessary for an enlargement or change in the type or intensity of use of an existing structure, the existing or enlarged septic system must meet the Minimum Guidelines of the Regional Water Quality Control Board, or the County's revised septic system code as approved by the Regional Board, before a permit for such enlargement or change can be granted.*
- (3) Reconstruction of existing systems. A septic system or other sewage disposal facility which served a residential dwelling damaged or destroyed by natural disaster may be rebuilt along with the reconstruction of the dwelling. If the septic system or other facility is substandard, every effort shall be made to bring it into conformance with County Code.*
- (4) Alternative systems. The County recommends that provisions be included in the County code to allow alternative sewage disposal systems to be utilized. Until such provisions are incorporated into the code and approved by the Regional Water Quality Control Board however, alternative systems shall only be permitted where a public entity has formally assumed responsibility for inspecting, monitoring, and enforcing the maintenance of the systems in accordance with criteria adopted by the Regional Board*
- (5) Maintenance. The County supports the establishment of a septic tank maintenance district(s) in the coastal zone for the purpose of monitoring and inspecting septic systems there. To provide for inspection of existing systems not now subject to periodic review under County Code, the County shall investigate the inspection of a septic system upon resale of the associated single-family dwelling.*

- b. Point Reyes Station and Olema. Due to the potential for cumulative impacts which exists in these communities from buildout on small lots utilizing septic systems, the County shall revise zoning densities to reflect sewage disposal constraints. In Point Reyes Station, a minimum lot size of 10,000 square feet shall be maintained in the area zoned VCR, and a minimum of 20,000 sq ft in the area zoned A-2:B-2. In Olema, minimum lot sizes 20, 000 sq ft in the area zoned A-2:B-2.

A study to identify and quantify possible sewage disposal problems and cumulative impact in Point Reyes Station is recommended. If and when a community sewer is constructed, higher zoning densities may be recognized to accommodate housing needs.

LUP Unit II New Development and Land Use Policies provide:

8. Location and density of new development

- b. Point Reyes Station

...

- (3) *To address the limitation of on-site sewage disposal, areas zoned VCR 7,500 square foot lots shall be changed to 10,000 square feet. Areas zoned A-2:B-2 and R-A:B-2 for 10,000 square foot residential lots shall be changed to R-A:B-3, permitting 20,000 square foot residential lots. If and when a community sewer is constructed, higher densities may be reconsidered to meet housing needs. The exceptions are the downtown A-2:B-2 area west of the VCR commercial district and the parcels east of Highway 1 and south of Lagunitas Creek. The downtown parcels which are generally bounded by B, C, 2nd and 8th Streets, shall be rezoned to R-A:B-2, retaining the 10,000 square foot density to provide affordable housing for the elderly and others who need to be in a flat area within walking distance to services. The A-2:B-2 parcels south of Lagunitas Creek and east of Highway 1 shall be rezoned to R-A:B-2.*

The proposed IP amendment rezones the 18.59-acre property from a mixture of Coastal, Village Commercial Residential (C-VCR:B-2) and Coastal, Suburban Agricultural (C-RA:B-3) zoning districts to a combination of Coastal, Residential Multiple Planned Commercial (C-RMPC), Coastal, Residential Multiple Planned (C-RMP), Coastal, Suburban Agricultural (C-RA:B-3), and Coastal Open Area (C-OA) zoning districts. It also approves an overall site development plan which specifies the intensity, density and location of residential and commercial development on the 18.59-acre property. As discussed in Section 3.5.1.2, due to the lack of wastewater treatment facilities in Point Reyes Station, any development would depend on individual wastewater treatment facilities.

Unit II LUP Public Services Policy 3 provides water quality protection by ensuring that on-site sewage disposal systems are adequately designed and maintained. Sewage Disposal Policy 3(a)(1) requires that all septic systems meet the standards contained in the *Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems* adopted by the

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Regional Water Quality Board on April 17, 1979 or the County's revised septic system code, when approved by the Regional Board. Sewage Disposal Policies 3(a)(2) through 3(a)(5) include provisions that regulate alternative septic systems, ensure septic system compliance with County standards in the case that an enlargement or change in the type or intensity of use of an existing structure occurs, and support the establishment of septic system maintenance districts for the purpose of monitoring and inspecting septic systems to further ensure water quality protection.

In accordance with Public Services Policy 3, the Commission must consider the potential effects of the proposed IP amendment to water quality. Since the proposed overall site development plan allows for the density, intensity and location of development specified in LUP New Development and Land Resources 8(b)(5), the Commission must determine if the IP amendment would be consistent with and adequate to carry out the requirements of Public Services Policy 3.

Marin County's currently certified IP contains provisions to ensure that any development of the 18.59-acre property allowed by the overall site development plan is consistent with Public Services Policy 3. IP Section 22.56.130(B), Septic System Standards and Conditions states:

1. *Septic System Standards:* *The following standards apply for projects which utilize septic systems for sewage disposal.*
 1. *All septic systems within the coastal zone shall conform with the Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems adopted by the Regional Water Quality Board on April 17, 1979 or Marin County Code-whichever is more stringent. No waivers shall be permitted except where a public entity has formally assumed responsibility for inspecting, monitoring, and enforcing the maintenance of the system in accordance with criteria adopted by the Regional Water Quality Board, or where waivers have otherwise been reviewed and approved under standards established by the Regional Water Quality Board.*
 2. *Alternative waste disposal systems shall be approved only where a public entity has formally assumed responsibility for inspecting, monitoring, and enforcing the maintenance of the systems in accordance with criteria adopted by the Regional Water Quality Control Board*
 3. *Where a coastal development permit is necessary for an enlargement or change in the type or intensity use of an existing structure, the project's septic system must be determined consistent with the current guidelines of the Regional Water Quality Control Board, or such other program standards as adopted by the County of Marin.*

Consistent with Public Services Policy 3(a)(1), Section 22.56.130(B)(1) of the existing LCP requires that all septic systems within the coastal zone conform with the *Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems* adopted by the Regional Water Quality Board on April 17, 1979 or Marin County Code-whichever is more stringent. Section 22.56.130(B)(2) is consistent with Public Services Policy 3(a)(2) in that it also requires that alternative waste disposal systems be approved only where a public entity has formally

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assumed responsibility for inspecting, monitoring, and enforcing the maintenance of the systems in accordance with criteria adopted by the Regional Water Quality Control Board. Section 22.56.130(B)(3) requires that if a coastal development permit is necessary for an enlargement or change in intensity of use of an existing structure, the project's septic system must be determined to be consistent with the current guidelines of the Regional Water Quality Control Board, or such other program standards as adopted by the County of Marin. Thus existing Section 22,56.130(B) is consistent with and adequate to carry out Public Services Policy Subsections 3(a)(1), 3(a)(2), and 3(a)(4).

Although IP Section 22.56.130(B) does not include provisions to carry out Public Services Policy Subsections 3(a)(3) or 3(a)(5), the IP as amended would contain site specific development standards that are adequate to carry out not only subsections 3(a)(3) and 3(a)(5), but also 3(a)(1), 3(a)(2) and 3(a)(4) and would further ensure that water quality is protected from any on-site waste treatment and disposal systems. As discussed above in the findings for the Land Use Plan Amendment, Marin County Board of Supervisor Resolution No. 2002-27, the Resolution submitting the proposed LCP Amendment to the Commission, submitted the LCP Amendment to the Commission subject to the conditions of approval and the mitigation measures adopted for the specific development proposal contemplated under the proposed LCP Amendment (Exhibit 3, LCP Amendment Resolution of Submittal). Accordingly, the County proposes to further implement the water quality policies of the certified LUP through the site-specific development standards adopted as conditions of approval and mitigation measures for the development contemplated by the proposed LCP Amendment. The IP as amended would thus include site-specific standards to ensure that any septic system approved for the site meets the County's revised septic system code approved by the Regional Board consistent with Public Services Policy 3(a)(1). These proposed site-specific standards include the following:

- 60. When the septic system for the future visitor-serving commercial parcel is designed, it shall be designed to comply with Environmental Health Services regulations.*
- 70. PRIOR TO ISSUANCE OF A CONSTRUCTION PERMIT FOR THE SEWAGE DISPOSAL SYSTEM, and in order to comply with county standards for septic tank design, a two-inch vent on the baffle wall of all septic tanks shall be constructed by the applicant. (Wastewater Treatment #4.4-2 and #4.5-14)*
- 71. PRIOR TO ISSUANCE OF A CONSTRUCTION PERMIT FOR THE SEWAGE DISPOSAL SYSTEM, the dosing chambers and overflow tanks for the pressurized systems shall be sized to accommodate the peak day wastewater generation volume for the corresponding land use to ensure compliance with County standards. (Wastewater Treatment #4.4-3 and #4.5-14)*
 - A. High water alarms shall be installed in all wastewater pumping systems, in accordance with County standards, to alert the operator or maintenance staff of a high level in the pump tank;*
 - B. All pumping systems shall include provisions for extended operation during general power outages using a portable emergency generator; and*

C. Scheduled and emergency maintenance of pressurized systems shall be performed by a licensed septic system, pump, or plumbing contractor, septic system pumping service, or other qualified maintenance person as identified in an Operating Permit, if issued for the system by the County.

72. PRIOR TO ISSUANCE OF A CONSTRUCTION PERMIT FOR THE SEWAGE DISPOSAL SYSTEM, and to comply with county standards for septic tank design, the project shall include septic tank capacity sufficient to provide 2 days of detention volume for all parcels. (Wastewater Treatment, #4.4-4 and #4.5-14)

73. There are two methods available to ensure compliance with MCEHS sizing standards for the public restroom septic tank and leach field. PRIOR TO ISSUANCE OF A CONSTRUCTION PERMIT FOR THE SEWAGE DISPOSAL SYSTEM, the project proponent shall design the project's wastewater treatment system for the public restrooms according to one of the following. (Wastewater Treatment, #4.4-5, #4.5-9, and #4.5-14)

A. Ultra low flush urinals and very low flow toilets that generate an average of 2 gpd/person or less shall be used for the public restrooms.

B. Low flow fixtures that generate an average of 3.5 gpd/person or less shall be used, a 2,500-gallon septic tank shall be installed, and a 5,040 square-foot leachfield shall be constructed for the public restrooms. The project sponsor shall provide documentation to MCEHS sufficient to demonstrate compliance with MCEHS standards for leachfield sizing.

Provisions 70, 71, 72 and 73 listed above require that specific components of the individual wastewater system meet the Marin County Environmental Health Services (MCEHS) septic code. Provision 60 ensures that any waste system for the visitor serving commercial parcel (Area E) meet the County's regulations, consistent with Public Services Policy 3(a)(1).

Although Public Services Policy subsection 3(a)(5) only encourages the establishment of septic tank maintenance districts for monitoring and inspection, the site-specific development standards proposed to be incorporated into the certified LIP include maintenance requirements that would incorporate monitoring and inspection requirements for any wastewater disposal systems on this site by requiring the following:

57. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall obtain the necessary construction permits for the septic systems and comply with all permitting conditions related to the permits. The permit approvals include either a renewable operating permit issued by Environmental Health Services, or Waste Discharge Requirements or waiver thereof issued by the Regional Water Quality Control Board.

58. In addition to standard requirements for routine inspection and maintenance, AN Operation, Maintenance, and Monitoring Program and Contingency Plan shall be required for the project. The plan shall include provisions for water quality monitoring, repair/replacement of malfunctioning equipment, and other remedial measures to handle unexpected problems with the septic leachfields and to prevent contamination of groundwater sources. The plan should include a complete

description of all equipment and components of the system, a description of how the system and relevant individual components are intended to work, and all activities needed or recommended in order to ensure proper system performance. The plan should identify procedures for conducting monitoring of ground water quality upslope, within, and downslope of the project site, and other ambient conditions (e.g. rainfall and groundwater levels) in order to demonstrate compliance with original wastewater system design criteria. The contingency component of the plan should include actions to be taken in the event of malfunctioning equipment or system, of unexpected problems, or that the system does not comply with design criteria or ambient condition criteria. The plan should identify the responsible party for the system, how identified plan actions will be implemented, and how identified contingency actions will be funded. The plan shall be submitted for review and approval by the Community Development Director and the Regional Board Executive Officer for the Regional Water Quality Control Board, in consultation with the North Marin Water District, PRIOR TO RECORDATION OF THE FINAL MAP.

Provision 57 requires the applicant to obtain either a renewable operating permit issued by Environmental Health Services, or Waste Discharge Requirements or waiver thereof issued by the Regional Water Quality Control Board. Conditions of an operating permit may include monitoring, inspection requirements, permit duration, and other provisions deemed appropriated by the Health Officer. If an activity involves discharges, such as those to groundwater or from diffused sources, an applicant would need to complete a Report of Waste Discharge with the Regional Water Quality Control Board in order to obtain Waste Discharge Requirements (WDRs) or waiver. The Waste Discharge Requirements would be equal to or more stringent than the requirements of a County operating permit.

In addition to standard monitoring and inspection requirements, Provision 58 further ensures water quality protection by requiring a contingency plan, which would include:

- a. provisions for water quality monitoring, repair/replacement of malfunctioning equipment, and other remedial measures to handle unexpected problems with the septic leachfields and to prevent contamination of groundwater sources;*
- b. a complete description of all equipment and components of the system, a description of how the system and relevant individual components are intended to work, and all activities needed or recommended in order to ensure proper system performance;*
- c. procedures for conducting monitoring of ground water quality upslope, within, and downslope of the project site, and other ambient conditions (e.g. rainfall and groundwater levels) in order to demonstrate compliance with original wastewater system design criteria;*
- d. actions to be taken in the event of malfunctioning equipment or system, of unexpected problems, or that the system does not comply with design criteria or ambient condition criteria;*
- e. the responsible party for the system;*
- f. how identified plan actions will be implemented; and*

- g. how identified contingency actions will be funded.*

This contingency plan would ensure that if problems were identified with the wastewater treatment and disposal systems, solutions would be ready to be implemented. Provision 58 also requires that the plan be submitted for review and approval by the Community Development Director and the Regional Board Executive Officer for the Regional Water Quality Control Board, in consultation with the North Marin Water District.

In addition to monitoring, inspection, and contingency plans, the IP amendment also introduces additional precautionary site specific standards to ensure water quality protection, which require the following:

- 5.(C) Landscaping, low height fencing, boulders, and/or signs shall be utilized to discourage vehicular access into or parking over the septic leachfields associated with the Williams Street Apartments, Papermill Creek Apartments, and the future public restrooms and visitor-serving commercial use.*

23. PRIOR TO RECORDATION OF THE FINAL MAPS FOR THE RESIDENTIAL OR VISITOR-SERVING USES, APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT, OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the following items shall be submitted to the Planning Division:

...

C. A letter from the North Marin Water District which acknowledges receipt of written confirmation from the agencies with regulatory oversight over the District's water supply wells that all precautionary measures have been incorporated into the design of the project's wastewater systems to minimize potential contamination of the Water District's wells; and

D. A letter from the Environmental Health Services Division which confirms that sufficient information has been provided by the project engineer to support the methodology and assumptions that form the bases for the design of the wastewater and stormwater systems and which confirms that the design would adequately address the following concerns: (1) adequacy of the design to adequately handle wastewater and stormwater runoff; (2) the adequacy of the hydrogeologic investigation to address concerns relating to viral contamination of Lagunitas Creek; (3) the potential for nitrate contamination of Lagunitas Creek; and (4) the adequacy of the site to accept post-development stormwater run-off. This letter should include written documentation of compliance with County regulations by the Environmental Health Services Division for on-site wastewater systems for all components and aspects of the designs. The compliance letter shall be submitted to the Regional Water Quality Control Board for review and approval by the Regional Board Executive Officer.

- 59. In order to enhance the operation of the septic system and minimize costs for maintenance and repair, the use of kitchen sink garbage disposal units is discouraged in the Papermill Creek Homes, Papermill Creek Apartments, and the Williams Street Apartments. The applicant shall include this restriction as part of the disclosure*

documents to potential buyers and renters of the homes. PRIOR TO FINAL INSPECTION OF EACH SEPTIC SYSTEM, the Environmental Health Services staff shall conduct an inspection to verify that the kitchens are not equipped with kitchen sink garbage disposal units.

Together, the existing and proposed IP provisions ensure that any wastewater treatment and disposal facility used on the site will be adequate to treat wastewater consistent with the Marin County Individual Wastewater Treatment Standards. Thus, the existing IP provisions and the site-specific development standards proposed to be incorporated into the IP are consistent with and adequate to carry out Unit II LUP Public Services Policy 3(a)(On-site Wastewater Disposal Systems).

Marin County Public Services Policy 3(b) and New Development and Land Use Policy 8(b)(3) provide additional water quality protection by addressing specifically the limitation of on-site sewage disposal in the town of Point Reyes Station through the requirement of minimum lot sizes of 10,000 and 20,000 square feet. Consistent with these policies, the 18.59-acre site, located in Point Reyes Station, is currently zoned a mixture of Coastal, Village Commercial Residential (C-VCR:B-2) and Coastal, Suburban Agricultural (C-RA:B-3), which require minimum lot sizes of 10,000 and 20,000 square feet (allowing a maximum overall density of 58 units). The proposed IP amendment would change the zoning on parts of the property to Coastal, Residential Multiple Planned Commercial (C-RMPC) and Coastal, Residential Multiple Planned (C-RMP), which would not require minimum lot sizes. However, despite the lack of minimum lot size requirements, the proposed zoning is not inconsistent with the Public Services Policy 3(b) and New Development and Land Use Policy 8(b)(3). These LUP policies use minimum lot sizes to limit the density of development. The proposed zoning limits the development to an intensity less than that allowed by the current zoning i.e. 56 maximum potentially allowable units rather than 58 maximum potentially allowable units while at the same time allowing development to be clustered to maximize open space protection. As proposed the IP would include the following site-specific standards limiting allowable density:

1.(E) Pursuant to Marin County Code Chapters 22.45, 22.56, and 20.32, the Point Reyes Affordable Homes Master Plan, Precise Development Plan, Coastal Permit, and Subdivision applications are approved for the following:... (1) the construction of 27 affordable rental apartments and 7 affordable for-sale single-family residences; (2) the reservation of land area for future development of a three-bedroom, up to 2,800 square foot market rate single-family residence, a one-bedroom, up to 750 square foot cottage, and a barn; (3) the reservation of land area for future development of a 20-room, up to 17,000 square foot lodge or a similar visitor-serving use; (4) the reservation of land area for future development of a 12-space public parking lot and a restroom structure; and (5) the reservation of land for open space conservation purposes. A Subdivision (Vesting Tentative Map) to divide the property into 13 separate lots of record is conditionally approved. Any modifications to the project that would eliminate the affordable component shall require an amendment to the Master Plan.

10. Future development and use of the visitor-serving commercial use on Lot 10 shall be subject to the following conditions and restrictions:

...

- B. The use shall consist of the overnight lodge use approved by the Master Plan, or a similar visitor-serving use consistent with the intent and objectives of the Countywide Plan's Coastal Recreation Corridor and the Local Coastal Program and the parameters evaluated in the Environmental Impact Report for the Point Reyes Affordable Homes project.*
- 7. Future development of the market-rate residential lot on Lot 9 of the Point Reyes Affordable Homes Subdivision shall require Design Review and Coastal Permit approval pursuant to Sections 22.82.020 and 22.56.055 of the Marin County Code. If a food preparation or kitchen facility is proposed within the one-bedroom cottage on this lot, a Second Unit Use Permit shall be required pursuant to Section 22.98.090 of the Marin County Code. The following restrictions and conditions shall apply to future development of this property.*
- A. Any intensification of the residential density on this lot beyond two dwelling units shall require an amendment to the Point Reyes Affordable Homes Master Plan, pursuant to Section 22.45.050(B) of the Marin County Code, and an amendment to the Local Coastal Program, Unit II Recreation and Visitor Serving Policy 8(b) and Zoning Implementation Plan.*
- 69. PRIOR TO RECORDATION OF THE FINAL MAP FOR LOT 9, ISSUANCE OF A GRADING PERMIT, OR ISSUANCE OF A BUILDING PERMIT, whichever occurs first, the project sponsor shall execute a covenant, subject to review and approval by Marin County, prohibiting further subdivision of the market rate farm parcel created by the proposed project beyond the subdivision necessary for the creation of the two lots for the market-rate housing units. (Plan Policy #4.2-5)*
- 20. The following restrictions and conditions shall be stated or shown on an addendum page to the Final Map to be filed for record:*
- B. Except for Lot 9, further subdivision of any parcel or lot within the subdivision shall not be permitted.*

Consistent with New Land Use and Development LUP Policy 8(b)(5), the proposed site-specific standards listed above restrict the level of development to 56 units. Provisions 1(E)(3) and 10(b) limit the development of Area E to a 20-unit over night visitor serving facility, and consistent with the proposed policy, Provisions 1(E)(1) and 1(E)(2) limit the residential development in Areas A, B, and C to 36. Thus, the IP as amended would limit the total development of the 18.59-acre site to 56 units, two less units than allowed under the current zoning. While the proposed zoning takes a different approach to limiting the density of development than the existing zoning, it achieves the same goal of limiting the density of development to address the impacts of on site sewage disposal in Point Reyes Station. In addition, the proposed standards would also further limit the subdivision of the property, except for Area C, which may be subdivided only as necessary for the creation of the two lots for the two market-rate housing units. Since the proposed zoning as amended would provide for a slight reduction in the intensity of development allowable at the development on the site from that currently allowed, the amendment would serve to reduce water quality impacts related to on-site sewage disposal

consistent with Marin County's Public Services Policy 3(b) and New Development and Land Use Policy 8(b)(3).

Taken together, Section 22.56.130(B), Septic System Standards and Conditions, and proposed site specific development standards which require compliance with Marin County septic standards and limit the allowable density of development are adequate to carry out the requirements of Public Service Septic Systems Policies and the New Development Land Use Location and Density of New Development Policies. As discussed above, the development of the project site in accordance with the existing and proposed IP provisions would ensure conformance with the wastewater treatment policies of the Unit II LUP. Therefore, the Commission finds that the proposed IP amendment as submitted is consistent with and adequate to carry out the requirements of the Public Service Septic Systems Policies and the New Development Land Use Location and Density of New Development Policies.

3.5 Water Quality Protection – Polluted Runoff

Unit II LUP New Development and Land Use Policy 6 provides:

Watershed and water quality protection/grading. In order to ensure the long-term preservation of water quality, protection of visual resources, and the prevention of hazards to life and prosperity, the following policies shall apply to all construction and development, including grading and major vegetation removal, which involve the movement of earth in excess of 150 cubic yards.

- a. Development shall be designed to fit a site's topography, soils, geology, hydrology, and any other existing condition and be oriented so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum. Natural features, landforms, and native vegetation shall be preserved to the maximum extent feasible. Areas of a site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall be kept in open space.*
- b. For necessary grading operations, the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. The clearing of land shall be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes shall be in place before the beginning of the rainy season.*
- c. Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with national grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.*
- d. Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils which have been exposed during grading or development. Cut and fill slopes shall be stabilized immediately with plantings of native species, appropriate non-native plants, or with accepted landscaping practices.*

- e. Where topsoil is removed by grading operation, it shall be stockpiled for reuse and shall be protected from compacting and wind erosion during stockpiling.*
- f. The extent of impervious surfaces shall be minimized to the greatest degree possible. Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Grassed waterways are preferred to concrete storm drains, where feasible for runoff conveyance. Water runoff beyond natural levels shall be retained on site whenever possible to facilitate groundwater recharge.*

The Watershed and Water Quality Protection/Grading Policies of the Unit II New Development and Land Use Section provide water quality protection by ensuring that any proposed development addresses water quality impacts related to grading, major vegetation removal, impervious surfaces, polluted runoff and treatment, and construction activities through appropriate Best Management Practices (BMPs). The Marin County IP contains provisions that would ensure that any development on the 18.59-acre property as described and depicted on the overall site development plan, would be consistent with the LUP Unit II Watershed and Water Quality Protection/Grading Policies. Section 22.56.130(C) requires the following:

Grading and excavation: *The following standards shall apply to coastal projects which involve the grading and excavation of 150 cubic yards or more of material.*

- 1) Development shall be designed to fit a site's topography and existing soil, geological, and hydrological conditions so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum and natural landform are preserved. Development shall not be allowed on site, or areas of a site, which are not suited to development because of known soil, geology, flood, erosion or other hazards that exist to such a degree that corrective work, consistent with these policies (included but not limited to the protection of natural landform) is unable to eliminate hazards to the property endangered thereby.*
- 2) For necessary grading operations, the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. The clearing of land shall be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes shall be in place before the beginning of the rainy season.*
- 3) In addition to such standards as may be imposed under MCC Chapter 23.08.090, the following standards shall be required:*
 - a) Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed at the beginning of grading operations and maintained throughout the development process to remove sediment from runoff waters. Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils which have been exposed during*

grading or development. Cut and fill slopes shall be permanently stabilized as soon as possible with native plants or other suitable landscaping techniques.

- b) The extent of impervious surfaces shall be minimized to the greatest degree possible. Water runoff beyond natural levels shall be retained on-site whenever possible to facilitate maximum groundwater recharge. In order to prevent gullying the velocity of runoff on an off the site shall be dissipated through the application of appropriate drainage controls so that the runoff rate does not exceed the storm water runoff. Grassed or natural waterways are preferred to concrete storm drains for runoff conveyance.*
- c) Pollutants such as chemicals, fuels, and other harmful materials shall be collected and disposed of in an approved manner.*
- d) Where topsoil is removed by grading operations, it shall be stockpiled for subsequent re-use, where appropriate.*
- e) All debris shall be removed from the site upon the completion of the project.*
- f) Permit application for grading which involve cut slopes in excess of 8 feet or fill in excess of 5 feet shall include a reported from a registered soils or civil engineer.*

The above provisions of the IP require the same polluted runoff measures and controls as the Watershed and Water Quality Protection/Grading Policies of the Unit II LUP. As discussed above in the findings for the Land Use Plan Amendment, Marin County Board of Supervisor Resolution No. 2002-27, the Resolution submitting the proposed LCP Amendment to the Commission, submitted the LCP Amendment to the Commission subject to the conditions of approval and the mitigation measures adopted for the specific development proposal contemplated under the proposed LCP Amendment (Exhibit 3, LCP Amendment Resolution of Submittal). Accordingly, the County proposes to further implement the water quality policies of the certified LUP through the site-specific development standards adopted as conditions of approval and mitigation measures for the development contemplated by the proposed LCP Amendment. Thus, the proposed IP amendment includes site specific polluted runoff development standards that are not only consistent with the LUP polluted runoff policies, but also require additional water quality protection measures. Provision 51 and 74 (b) and (c) ensure that all sediment would be removed from runoff water.

Consistent with Watershed and Water Quality Protection/Grading Policies 6(b), the following proposed polluted runoff development standards protect water quality by controlling soil erosion through the following provisions:

- 51. Grading operations shall not be conducted during the rainy season (October 15th through April 15th) without prior approval from the Department of Public Works. Such approval shall only be given upon clear demonstration, to the satisfaction of the Department of Public Works, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site. When grading operations are permitted during the rainy season, a phasing plan and work schedule shall be required to insure that the smallest practicable area of erodible land is exposed at*

any one time and the time of exposure is minimized. The phasing plan and work schedule must be approved by the Department of Public Works prior to the start of grading or prior to October 1st at the discretion of the Department of Public Works. A cash bond in an amount approved by Department of Public Works may be required to insure that control measures are implemented and maintained.

47. PRIOR TO APPROVAL OF A SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall comply with the following condition. The project shall have an erosion and sediment control plan which addresses both interim (during construction) and final (post construction) control measures. The specific control measures to be utilized shall be subject to the review and approval of the Department of Public Works and shall be in general accordance with the current "Manual of Standards for Erosion and Sediment Control Measures" published by the Association of Bay Area Governments. The plan shall be implemented by October 15th or earlier if so required by the Department of Public Works. The applicant shall demonstrate that a Notice of Intent to Comply with the statewide NPDES General Permit for Storm Water Discharges Associated with Construction Activity has been filed. The following requirements shall be met.

A. All disturbed surfaces including but not limited to cut and fill slopes, building pads, driveways and areas cleared of vegetation shall be protected against erosion by measures approved by the Department of Public Works that are appropriate to the site, phase of construction and time of year.

Consistent with Watershed and Water Quality Protection/Grading Policies 6(c), the following proposed polluted runoff development standards protect water quality by removing sediment from runoff waters through the following:

75. PRIOR TO APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall comply with the following condition. In accordance with Marin County Code Chapters 23.08 and 24.04, the project sponsor shall implement erosion and sedimentation Best Management Practices to protect the water quality of Lagunitas Creek and local groundwater. Best Management Practices (BMPs), designed to protect stormwater quality, are summarized in the California Storm Water Best Management Practice Handbooks (Stormwater Quality Task Force 1993) and can be recommended by the Association of Bay Area Governments Manual of Standards for Erosion and Sediment Control Measures. BMPs are subject to review and approval by Marin County Department of Public Works shall be implemented during project construction. According to Marin County Code Section 24.04.625, grading shall not be conducted during the rainy season (October 15 through April 15) without prior approval by Marin County Department of Public Works. (Hydrology, #4.5-4, #4.5-12, and #4.5-14)

The following measures shall be implemented in accordance with the LCP:

A. Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with initial grading operations and

maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.

Consistent with Watershed and Water Quality Protection/Grading Policies 6(d), the following proposed polluted runoff development standards protect water quality by stabilizing cut and fill slopes through the following provisions:

- 41. PRIOR TO OCCUPANCY for the Williams Street Apartments, Papermill Creek Apartments, and Papermill Creek Homes, the applicant shall install all proposed and required landscaping. All soils disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion. The applicant shall call for a Community Development Agency staff inspection of the landscaping and irrigation at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the final inspections and imposition of hourly fees for subsequent reinspections.*
- 47. PRIOR TO APPROVAL OF A SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall comply with the following condition. The project shall have an erosion and sediment control plan which addresses both interim (during construction) and final (post construction) control measures. The specific control measures to be utilized shall be subject to the review and approval of the Department of Public Works and shall be in general accordance with the current "Manual of Standards for Erosion and Sediment Control Measures" published by the Association of Bay Area Governments. The plan shall be implemented by October 15th or earlier if so required by the Department of Public Works. The applicant shall demonstrate that a Notice of Intent to Comply with the statewide NPDES General Permit for Storm Water Discharges Associated with Construction Activity has been filed. The following requirements shall be met.*
 - A. All disturbed surfaces including but not limited to cut and fill slopes, building pads, driveways and areas cleared of vegetation shall be protected against erosion by measures approved by the Department of Public Works that are appropriate to the site, phase of construction and time of year.*
- 75. PRIOR TO APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall comply with the following condition. In accordance with Marin County Code Chapters 23.08 and 24.04, the project sponsor shall implement erosion and sedimentation Best Management Practices to protect the water quality of Lagunitas Creek and local groundwater. Best Management Practices (BMPs), designed to protect stormwater quality, are summarized in the California Storm Water Best Management Practice Handbooks (Stormwater Quality Task Force 1993) and can be recommended by the Association of Bay Area Governments Manual of Standards for Erosion and Sediment Control Measures. BMPs are subject to review and approval by Marin County Department of Public Works shall be implemented during project construction. According to Marin County Code Section 24.04.625, grading shall not be conducted during the rainy season (October 15 through April 15) without prior*

approval by Marin County Department of Public Works. (Hydrology, #4.5-4, #4.5-12, and #4.5-14)

The following measures shall be implemented in accordance with the LCP:

...

- B. Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils exposed during grading. Cut and fill slopes shall be stabilized immediately with approved landscape vegetation.*

Consistent with Watershed and Water Quality Protection/Grading Policies 6(e) the following proposed polluted runoff development standards protect water quality by requiring the implementation of BMPs:

- 75. PRIOR TO APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall comply with the following condition. In accordance with Marin County Code Chapters 23.08 and 24.04, the project sponsor shall implement erosion and sedimentation Best Management Practices to protect the water quality of Lagunitas Creek and local groundwater. Best Management Practices (BMPs), designed to protect stormwater quality, are summarized in the California Storm Water Best Management Practice Handbooks (Stormwater Quality Task Force 1993) and can be recommended by the Association of Bay Area Governments Manual of Standards for Erosion and Sediment Control Measures. BMPs are subject to review and approval by Marin County Department of Public Works shall be implemented during project construction. According to Marin County Code Section 24.04.625, grading shall not be conducted during the rainy season (October 15 through April 15) without prior approval by Marin County Department of Public Works. (Hydrology, #4.5-4, #4.5-12, and #4.5-14)*

The following measures shall be implemented in accordance with the LCP:

...

- C. All topsoil removed by grading operations shall be stockpiled for reuse onsite and shall be protected from compaction, wind, and erosion during stockpiling.*

Consistent with Watershed and Water Quality Protection/Grading Policies 6(f), the following proposed stormwater runoff development standards protect water quality by requiring that there be no increase in post-development runoff volumes through the following provisions:

- 46. PRIOR TO APPROVAL OF A SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall comply with the following condition. To reduce offsite flood-related impacts to the maximum extent practicable, the capacity of the proposed retention facilities shall be sized such that the project results in no increase in post-development runoff volumes beyond existing runoff volumes from a 100-year, 24-hour storm event. This event*

represents the largest design event (by volume) commonly used as an industry standard. The following requirements shall be satisfied:

- A. Installation and operation of the drainage system shall be such that the site drainage during construction shall result in no increase in post-development runoff volumes beyond existing runoff volumes from a 100-year, 24-hour storm event.*
- B. The drainage and infrastructure design capacity of the proposed retention and infiltration facilities shall accommodate any existing runoff from the West Marin School property.*
- C. The drainage and infrastructure design shall be sized to accommodate runoff from paved roads, and future development on the commercial parcel and the public parking parcel.*
- D. The applicant shall provide supporting hydrology and hydraulic calculations, references, model studies, reports, or other information necessary to confirm the project's drainage design.*

74. PRIOR TO APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall comply with the following condition. To reduce offsite flood-related impacts and to maintain the design capacity of the infiltration trenches to the maximum extent practicable, the following mitigation measures shall be implemented. (Hydrology, #4.5-2 and #4.5-14)

...

- B. To promote a long design life of the infiltration trenches, surface runoff shall be filtered prior to reaching the infiltration trenches to reduce contaminants and sediment that could clog the trench media. Filtering devices may include, but not be limited to, biofilter strips and vegetated channels. These features shall be subject to review and approval by Marin County prior to implementation.*
- C. During construction, the following measures shall be taken to provide additional protection against the failure of the infiltration trenches:*
 - 1. Adequate protection from siltation of the trench drains shall be provided during construction through the use of best management practices (BMP).*
 - 2. Exposed soils shall be revegetated as soon as possible to prevent erosion.*
 - 3. Excavated surfaces shall be scarified to promote percolation upslope of the trenches.*
 - 4. The drain rock shall be washed prior to installation into the excavations.*
 - 7. To prevent surrounding soils from migrating into the trenches, the excavation shall be lined with a permeable filter fabric or a similar filtering device.*

8. *Inspection wells shall be constructed to allow monitoring of the performance of the trenches.*

In addition to the above listed provisions, the IP amendment also includes site-specific development standards that assure the proper installation, monitoring and maintenance of the polluted treatment facilities and incorporate construction related BMPs through the following measures:

25. *PRIOR TO APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall submit plans for installation of all stormwater treatment and disposal improvements that are shown on Sheet C-1A of "Exhibit A." The applicant shall also demonstrate that an Operation, Maintenance, and Monitoring Plan for the stormwater systems, has been submitted and found acceptable by the Regional Board Executive Officer for the Regional Water Quality Control Board. This Plan should include identification of which entity will be responsible for maintaining the stormwater systems, and the means to assure that necessary funding to conduct operation, maintenance, and monitoring activities are in place.*
51. *PRIOR TO RECORDATION OF ANY FINAL MAP OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the applicant shall submit a conforming tentative map for review by the Department of Public Works and the Community Development Agency which indicates conformance with all conditions of project approval. The tentative map shall include the following:*
 - Drainage facilities, including but not limited to, infiltration trenches, sedimentation basins, and conduits, serving multiple parcels shall have drainage and drainage access easements. Sufficient easements shall be required for underground conduits, infiltration trenches, for disposal of surface and storm waters, together with sufficient easements for overflow and ponding, and vehicle access necessary to provide for proper operation and maintenance of drainage facilities. All such easements shall comply with Marin County Title 24 and shall be of sufficient width for the purposes intended, as approved by the Public Works.*
52. *PRIOR TO RECORDATION OF EACH FINAL MAP, the applicant shall submit a maintenance agreement(s) which provides for the ability of the drainage and roadway improvements to be maintained by the associated parcels. The agreement shall be submitted to the Department of Public Works for review and approval and shall be recorded concurrently with the Final Map.*
56. *PRIOR TO FINAL INSPECTION OF THE SUBDIVISION IMPROVEMENTS OR GRADING PERMIT, whichever occurs first, the applicant shall conduct a flow verification test of the infiltration trenches, and the engineer shall certify to the Department of Public Works that the infiltration trenches were installed in substantial conformance to the plans and are operational.*
 - I. *Install sandbags or other erosion control measures to prevent silt runoff to public roadways;*

- J. Replant vegetation in disturbed areas as quickly as possible;*
- K. Construction equipment shall be maintained in accordance with manufacturers' specifications; and.*
- L. To the extent feasible, construction equipment shall not be left idling for periods of more than 10 minutes.*

To reduce potential farm-related increases in airborne concentrations of fugitive dust at nearby residential dwellings and the West Marin School, the following dust control measures shall be implemented:

Water at least twice a day all areas where soil disturbing activities (e.g., tilling of soil) is actively occurring: (1) enclose, cover, or water twice daily exposed stockpiles (earth, fertilizers, etc.); (2) limit vehicle speeds in unpaved areas to 15 mph; (3) plant crops or other vegetation in disturbed areas as quickly as possible; and (4) soil disturbing activities shall be suspended when wind speeds exceed 20 mph.

Pursuant to the above-sited grading and excavation sections of the existing IP and the site specific development standards proposed to be incorporated into the LIP, development of the site must be undertaken in a manner that ensures the long-term preservation of water quality. As such, the County's action on any coastal development permit for the proposed development would need to be consistent with the water quality provisions of the IP which carryout the Water Quality Policies of the certified LUP. Thus, the IP as amended is consistent with and adequate to carry out Watershed and Water Quality Protection/Grading Policies of the Unit II LUP.

3.6 Water Quality Protection – Environmentally Sensitive Habitat Areas

Unit II LUP Natural Resources Policies provide:

5. Other Environmentally Sensitive Habitats

- (b) Other sensitive habitats include habits of rare or endangered species and unique plant communities. Development in such areas may only be permitted when it depends upon the resources of the habitat area. Development adjacent to such areas shall be set back a sufficient distance to minimize impacts on the habitat area. Public access to sensitive habitat areas, including the timing, intensity, and location of such access, shall be controlled to minimize disturbance to wildlife. Fences, roads, and structures, which significantly inhibit wildlife movement, especially access to water shall be avoided.*
- 4. Streams and riparian habitats. The policies contained in this section shall apply to all streams in the Unit II coastal zone, perennial or intermittent, which are mapped by the United States Geological survey (U.S.G.S) on the 7.5 minute quadrangle series.*
 - e. Stream Buffers. Buffers to protect streams from the impacts of adjacent uses shall be established for each stream in Unit II. The stream buffer shall be established for each stream in Unit II. The stream buffer shall include the*

area covered by riparian vegetation on both side of the stream and the area 50 feet landward from the edge of the riparian vegetation. In no case shall the stream buffer be less than 100 feet in width, on either side of the stream, as measured from the top of the stream banks.

- f. *Development in Stream Buffers.* *No Construction, alternation of land forms or vegetation removal shall be permitted within such riparian protection area. Additionally such project applications shall identify a stream buffer area which shall extend a minimum of 50 feet from the outer edge of riparian vegetation, but in no case less than 100 feet from the banks of a stream. Development shall not be located within this stream buffer areas. When a parcels is located within a stream buffer area; design review shall be required to identify and implement the mitigation measures necessary to protect water quality, riparian vegetation and the rate and volume of stream flows. The design process shall also address the impacts of erosion and runoff, and provide for restoration of disturbed areas by replacement landscaping with plant species naturally found on the site. Where a finding based upon factual evidence is made that development outside a riparian protection or stream buffer area would be more environmentally damaging to the riparian habitat than development within the riparian protection or stream buffer area, development of principal permitted uses may occur within such area subject to design review and appropriate mitigation measures.*

The development site is located approximately 400 feet from Lagunitas Creek. As discussed in Section 3.5.1.3, Lagunitas Creek is defined as an ESHA, consistent with Coastal Section 30107.5 and LUP Unit II Natural Resources Policy 5(b). The Marin County Unit II LUP provides water quality protection of Lagunitas Creek in two ways. First, Natural Resources Policy 3(b) provides special water quality protections by prohibiting development within a minimum of 100 feet of a stream, as measured from the top of the stream bank. Second, Policy 5(b) requires that development be sited in a way to minimize impacts to ESHA areas. As such, development of the 18.59-acre site would be required, pursuant to Natural Resources Policy 3(b) and 5(b), to be sited in such a way that water quality impacts that would significantly degrade the habitat qualities of the creek would be prevented.

In accordance with these LUP policies, the Commission must determine whether the existing IP provisions together with the proposed IP amendment would provide sufficient protection and would prevent impacts that would significantly degrade Lagunitas Creek. The certified Marin County IP contains provisions that would ensure the protection of the water quality of Lagunitas Creek consistent with the above Natural Resources Policy.

The following provisions of the IP afford water quality protection for Lagunitas Creek:

Section 22.130.56

I. Wildlife Habitat Protection

...

- 2) *Siting of New Development.* *Coastal project permit applications shall be accompanied by detailed site plans indicating existing and proposed construction*

major vegetation, watercourses, natural features and other probable wildlife habitat areas. Development shall be sited to avoid such wildlife habitat areas and to provide buffers for such habitat areas. Construction activities shall be phased to reduce impacts during breeding and nesting periods. Development that significantly interferes with wildlife movement; particularly access to water, shall not be permitted.

G. Stream and Wetland Resource Protection. *The following standards shall apply to all development within or adjacent streams identified as blue-line streams on the most recent USGS 7 1/2 minute quadrangle map(s) for the project area.*

...

- 3) *For proposed projects located adjacent to streams, application submittals shall include the identification of existing riparian vegetation as a riparian protection area. No construction, alteration of land forms or vegetation removal shall be permitted within such riparian protection area. Additionally, such projects applications shall identify a stream buffer area which shall extend a minimum of 50 feet from the outer edge of the riparian vegetation, but in no case less than 100 feet from the banks of a stream. Development shall not be located within this stream buffer area. When a parcel is located within a stream buffer area; design review shall be required to identify and implement the mitigation measures necessary to protect water quality, riparian vegetation and the rate and volume of stream flows. The design process shall also address the impacts of erosion and runoff, and provide for restoration of disturbed areas by replacement landscaping with plant species naturally found on the site. Where a finding based upon factual evidence is made that development outside a riparian protection or stream buffer area would be more environmentally damaging to the riparian habitat than development within the riparian protection or stream buffer area, development of principal permitted uses may occur within such area subject to design review and appropriate mitigation measures.*

Consistent with LUP Policy 5(b), IP Section 22.56.130(I), Wildlife Habitat Protection requires that development be sited in a way to minimize impacts on habitat areas. Consistent with LUP Policy 3(b), Section 22.56.130(G), Streams and Wetland Resource Protection, requires that development must be sited at a minimum of 100 feet from the top of bank of the stream.

As such, any development proposed for the 18.59-acre site would be required by the Wildlife Habitat Protection and Stream and Wetland Resource Protections Policies, as well as the certified implementation standards, to be sited in such a way that water quality impacts that would significantly degrade the habitat qualities of the creek would be prevented. Accordingly, any wastewater disposal system proposed for the site must be located a sufficient distance from the creek to prevent significant water quality impacts from wastewater systems and polluted runoff, even if the required distance exceeds the 100-foot riparian buffer distance provided by the above-cited IP buffer provisions.

In addition to the existing IP provisions, the IP amendment includes site-specific standards to further ensure the water quality protection of the creek. Provision 75 states:

In accordance with Marin County Code Chapters 23.08 and 24.04, the project sponsor shall implement erosion and sedimentation Best Management Practices to protect the water quality of Lagunitas Creek and local groundwater. Best Management Practices (BMPs), designed to protect stormwater quality, are summarized in the California Storm Water Best Management Practice Handbooks (Stormwater Quality Task Force 1993) and can be recommended by the Association of Bay Area Governments Manual of Standards for Erosion and Sediment Control Measures. BMPs are subject to review and approval by Marin County Department of Public Works shall be implemented during project construction. According to Marin County Code Section 24.04.625, grading shall not be conducted during the rainy season (October 15 through April 15) without prior approval by Marin County Department of Public Works. (Hydrology, #4.5-4, #4.5-12, and #4.5-14)

The following measures shall be implemented in accordance with the LCP:

- A. Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.*
- B. Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils exposed during grading. Cut and fill slopes shall be stabilized immediately with approved landscape vegetation.*
- C. All topsoil removed by grading operations shall be stockpiled for reuse onsite and shall be protected from compaction, wind, and erosion during stockpiling.*

Provision 75 requires the implementation of Best Management Practices (BMPs) designed to protect the water quality of Lagunitas Creek by preventing erosion and decreasing sedimentation.

The proposed IP amendment also includes Provision 23, which requires that:

PRIOR TO RECORDATION OF THE FINAL MAPS FOR THE RESIDENTIAL OR VISITOR-SERVING USES, APPROVAL OF THE SUBDIVISION IMPROVEMENT AGREEMENT, OR ISSUANCE OF A GRADING PERMIT, whichever occurs first, the following items shall be submitted to the Planning Division:

...

- D. A letter from the Environmental Health Services Division which confirms that sufficient information has been provided by the project engineer to support the methodology and assumptions that form the bases for the design of the wastewater and stormwater systems and which confirms that the design would adequately address the following concerns: (1) adequacy of the design to adequately handle wastewater and stormwater runoff; (2) the adequacy of the hydrogeologic investigation to address concerns relating to viral contamination of Lagunitas Creek; (3) the potential for nitrate contamination of Lagunitas Creek; and (4) the adequacy of the site to accept post-development stormwater run-off. This letter should include written documentation of compliance with County regulations by the Environmental*

Health Services Division for on-site wastewater systems for all components and aspects of the designs. The compliance letter shall be submitted to the Regional Water Quality Control Board for review and approval by the Regional Board Executive Officer.

Provision 23 includes measures to ensure that any development of the site includes wastewater and stormwater system designs which would adequately address the following concerns: (1) adequacy of the design to adequately handle wastewater and stormwater runoff; (2) the adequacy of the hydrogeologic investigation to address concerns relating to viral contamination of Lagunitas Creek; (3) the potential for nitrate contamination of Lagunitas Creek; and (4) the adequacy of the site to accept post-development stormwater run-off. Under the newly proposed standards any applicant proposing any development of the site would also have to obtain written documentation of compliance with County regulations by the Environmental Health Services Division for on-site wastewater systems for all components and aspects of the designs. The written documentation would be submitted to the Regional Water Quality Control Board (RWQCB) for review and approval by the RWQCB Executive Officer. These requirements provide additional water quality protection for Lagunitas Creek by ensuring that the proposed systems are correctly designed and have been approved by the RWQCB Executive officer.

Together, the IP Wildlife Habitat Protection and Stream and Wetland Resource Protection provisions and the site specific development standards proposed to be incorporated into the certified LIP ensure that any development of the 18.59-acre site would be located at a sufficient distance away from Lagunitas Creek and that the wastewater and stormwater systems would be designed to prevent water quality impacts that would significantly degrade the creek and would be compatible with the continuance of the habitat values of creek. Thus, the above cited ESHA and stream buffer provisions of the existing Marin County IP and the newly proposed site specific development standards are consistent with and adequate to carry out Natural Resources Policies 3(b) and 5(b).

Therefore, the Commission finds that the IP, as amended to rezone portions of the 18.59-acre property and including an overall site development plan for the property, will conform with and adequately carry out the policies of the LUP, as modified and certified, because the proposed IP amendment would (1) be consistent with the proposed land use designations for the property, (2) be consistent with the LUP requirements for the overall site development plan, and (3) provide specific site development standards for the protection of water quality.

3.7 CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. Additionally, the Commission's LCP review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP and LCP amendment submitted for Commission review and approval. Nevertheless, the Commission is required when approving an LCP to find that the LCP does conform with the applicable provisions of CEQA.

**County of Marin Coastal Program Amendment 1-MAJ-02
(County of Marin)**

As stated above, the County of Marin LCP amendment 1-MAJ-02 consists of a Land Use Plan (LUP) amendment and a new Implementation Plan (IP). The Commission incorporates its findings on Coastal Act and land use plan conformity at this point as it is set forth in full above. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the proposed amendment that were received prior to preparation of the staff report.

The Commission finds that approval of the County of Marin LCP amendment 1-MAJ-02 will not result in significant unmitigated adverse environmental impacts within the meaning of CEQA. Further, any future individual development projects would require coastal development permits issued by the County of Marin, or in the case of areas of original jurisdiction, by the Coastal Commission. Throughout the Coastal Zone, specific impacts associated with individual development projects are assessed through the CEQA environmental review process. Thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures within the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.

EXHIBITS

1. Regional Map
2. Location Map
3. LCP Amendment Resolution of Submittal
4. Proposed New Development and Land Use Policy 8(b)(5)
5. Exhibit E (as referenced in Policy 8(b)(5)) and Overall Site Development Plan
6. Wetland Delineation
7. Development Site
8. Adjacent Land Uses
9. Existing Zoning and Adjacent Zoning
10. Existing Drainage Regime
11. Visual Simulations
12. Proposed Zoning

APPENDICES

Appendix A: Substantive File Documents

Appendix B: Unit II LUP Wetland Policies

APPENDIX A: SUBSTANTIVE FILE DOCUMENTS

Marin County 2001. Final Environmental Impact Report for the Point Reyes Affordable Housing Project. EDAW, Inc. November 29, 2001.

Marin County 2002. Addendum to the Final Environmental Impact Report for the Point Reyes Affordable Housing Project. Marin County. March 18, 2002.

Marin County Local Coastal Program Unit 1, certified by the California Coastal Commission on April 1, 1981

APPENDIX B: MARIN COUNTY UNIT II LUP WETLAND POLICIES

Natural Resources

4. *Wetlands. Wetlands in the Unit II Coastal Zone shall be preserved and maintained, consistent with the policies in this section as productive wildlife habitats, recreational open space, and water filtering and storage areas. Land uses in and adjacent to wetlands shall be evaluated as follows:*

- a. *Diking, filling, and dredging of wetlands shall be permitted only in conformance with the policies contained in the LCP on this subject, presented on page 136. In conformance with these policies, filling of wetlands for the purpose of single-family residential development shall not be permitted*
- b. *Allowable resource-dependent activities in wetlands shall be fishing, recreation clamming, hiking, hunting, nature study, bird-watching and boating.*
- c. *No grazing or other agricultural uses shall be permitted in wetlands except in those reclaimed areas presently used for such activities.*
- d. *A buffer strip 100 feet in width, minimum as measured landward from the edge of the wetland, shall be established along the property of all wetlands. Where appropriate, the required buffer strip may be wider based upon the findings of the supplemental report required in (e). Development activities and uses in the wetland buffer shall be limited to those specified in 9a) and (b) above.*
- e. *As part of the application for a coastal development permit on any parcel adjacent to Tomales Bay, except where there is not evidence of wetlands pursuant to the Coastal Commission's guidelines, the applicant shall be required to submit supplemental biological information prepared by a qualified ecologist at a scale sufficient to identify the extent of the existing wetlands, based on Section 30121 of the Coastal Act and the area of the proposed buffer areas.*

Diking Filling and Dredging

2. *Acceptable purposes. The diking, filling and dredging of open coastal waters, wetlands, and estuaries shall be limited to the following purposes:*

- a. *New or expanded commercial fishing facilities;*
- b. *Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps;*
- c. *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines;*

County of Marin Coastal Program Amendment 1-MAJ-02
(County of Marin)

- d. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas;*
 - e. Restoration purposes;*
 - f. Nature study, aquaculture, or similar resource dependent activities;*
 - ...*
 - h. In the Esteros Americano and de San Antonio, any alterations shall be limited to those for the purposes of nature study, restoration, or very minor incidental public facilities.*
3. *Conditions and standards. Diking, filling or dredging may be permitted for the purposes specified above, provided that the following condition and standards are met:*
- g. There is no feasible less environmentally damaging alternative.*
 - h. Where feasible mitigation measures have been provided to minimize adverse environmental effects.*
 - i. The activities are planned, scheduled, and carried out to avoid significant disruption to marine and wildlife habitats, fish and bird breeding and migrations, and water circulation.*
 - j. The need for both initial and maintenance dredging shall be minimized by careful design and locating of facilities with respect to existing water depths, water circulation, siltation patterns, and by efforts to reduce controllable sedimentation.*
 - k. In estuaries and wetlands the diking filling, or dredging shall maintain or enhance the functional capacity of the wetland or estuary.*
 - l. Dike and fill projects in wetlands shall include mitigation measured specified in Section 30607.1*